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6 JULY 1983 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in its chambers, Room 512, Hall of Justice 850 Bryant Street, on Wednesday July 6, 1983 at 1700 hours in Executive Session.

PRESENT: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

Commissioner Sanchez Presiding.
Personnel Matter.

DOCUMENTS

6 JULY 1983 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in its chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, July 6, 1983 at 1730 hours in Regular Session.

PRESENT: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

Commissioner Sanchez Presiding.

HEARING OF POLICE OFFICER SERVERO N. FLORES - INGLESIDE STATION

Mr. Jerry Akins said he was just contacted by Mr. Robert Martin, Counsel for Officer Flores who had just been retained by Officer Flores. He said Mr. Martin is asking for a continuance as there was some problems with obtaining discovery in this case. August 17, 1983 was then voted upon as the date for hearing of Officer Severo Flores' case.

RESOLUTION NO. 801-83

HEARING OF POLICE OFFICER SEVERO N. FLORES, INGLESIDE STATION CONTINUED

WHEREAS, the hearing of Police Officer Severo N. Flores, Ingleside Station, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Robert Martin, attorney for Officer Flores, that the matter be continued to August 17, 1983; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Severo N. Flores, Ingleside Station, is continued to Wednesday, August 17, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

REQUEST FOR DISMISSAL OF ALL PENDING CHARGES AGAINST POLICE OFFICER YVONNE HARBOR AND POLICE OFFICER LAWRENCE GRAY BY THE LAW FIRM OF BLEY AND BLEY

Mr. Jerry Akins said he discussed this matter with the law firm of Bley and Bley and all parties will be talking to the City Attorney to discuss it before the Department takes a position and requests that it be continued for one week.

RESOLUTION NO. 803-83

REQUEST FOR DISMISSAL OF ALL PENDING CHARGES AGAINST POLICE OFFICER YVONNE HARBOR AND POLICE OFFICER LAWRENCE GRAY BY THE LAW FIRM OF BLEY AND BLEY.

WHEREAS, the request for dismissal of all pending charges against Police Officer Yvonne Harbor and Police Officer Lawrence Gray by the law firm of Bley and Bley was called it having been set for this date; and

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WHEREAS, it has been requested by Mr. John Ms. Janice Musante, attorneys for Officers Harbor and Gray, that the matter be continued to Wednesday, July 13, 1983; therefore be it

RESOLVED, that the hearing of the request for dismissal of all pending charges against Police Officer Yvonne Harbor and Police Officer Lawrence Gray, Potrero Station, is continued to Wednesday, July 13, 1983, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

Lieutenant Frazier then advised the Commission that there is another Item not calendared regarding Police Officer Alex Troy Williams, who upon request of his attorney, Inspector Paul Chignell, desires to have his hearing placed on next week's calendar which is not at this time scheduled for hearing on that date but for status report only.

Mr. Jerry Akins, Attorney for the San Francisco Police Department, said the Dillon matter is on for hearing at that time, however, Mr. Margolin, Sergeant Dillon's attorney, is requesting a transcript of the Grant Hearing, a companion case, and will more than likely ask for a continuance in the Dillon matter until after he has received and perused that transcript. Commissioner Nelder moved that the Dillon matter be left on calendar for action at next week's meeting and that the Williams matter be scheduled for hearing at that time.

RESOLUTION NO. 1117-83

HEARING OF POLICE OFFICER ALEX TROY WILLIAMS, SUPPORT SERVICES BUREAU - CONTINUED TO JULY 13, 1983

WHEREAS, the hearing of Police Officer Alex Troy Williams, Support Services Bureau, was called, although it was not set for this date; and

WHEREAS, it has been requested by Mr. Paul Chignell, Vice President of the San Francisco Police Officers' Association, that the matter be continued to July 15, 1983 therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Alex Troy Williams, Support Services Bureau, is continued to Wednesday, July 13, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLATION OF TRAFFIC ON THE PUBLIC STREETS

539 BRYANT STREET (THIRD STREET) - MBT ASSOCIATES GRANT

At 539 Bryant Street, Install 30' White Zone, from the west property line 30' east.

539 BRYANT STREET (THIRD STREET) - MBT ASSOCIATES GRANT

At 539 Bryant Street, install 64' Green Zone from 30' to 94' east of the west property line.

4300 CALIFORNIA STREET (5th AVE) ANTIQUE TRADERS REVOKE

At 4300 California Street, install 44' Green Zone from the east property line 44' west.

Revoke 21' Green Zone from 3' to 24' east of the west line.

1621 MISSION STREET (OTIS STREET) CITY BUILDERS SUPPLY GRANT

At 1621 Mission Street, install Special Truck Loading Zone 43' from 108' to 151' south of South Van Ness Avenue signs to be placed on Meters MIS 1613 - 1615 from 7 a.m. to 1 p.m.

900 MINNESOTA STREET (KENTUCKY PL) ESPIRIT GRANT

At 901 Minnesota Street, install 66' Green Zone from the south property line of 901 Minnesota Street 66' north.

650 BUSH STREET (MONROE) HOTEL VINTAGE COURT GRANT

At #1 Monroe Street, install 22' White Zone from the south property line of 650 Bush Street 22' north of Monroe Street.

47 KEARNEY STREET (POST ST) STATE OF ISRAEL BONDS GRANT

At 101 Post Street install 24' Blue Zone from 27' to 51' west of Kearney Street.

888 BRANNAN STREET (7TH STREET) GIFT CENTER GRANT

At 888 Brannan Street, install 59' White Zone from 100' to 159' east of the west property line.

50 POST STREET (KEARNEY ST) THE CROCKER GALLERIA GRANT

At 50 Post Street, install 64' Special Truck Loading Zone from 123' to 187' west of Montgomery Street. Install Meters Special Truck Loading Zone 7 a.m. to 1 p.m.

111 SUTTER STREET (MONTGOMERY STREET) CROCKER GALLERIA GRANT

At 111 Sutter Street, install 31' White Zone from 63' to 94' west of Montgomery Street. Install 46' White Zone from 185' to 231' west of Montgomery.

Install 47' Special Truck Loading Zone from 16' to 63' west of Montogmery Street. Install Meter Special Truck Loading Zone 7 a.m. - 1 p.m.

2231 MARKET STREET (SANCHEZ ST) MIDTOWN STATIONERS GRANT

At 2231 Market Street, install 22' Special Truck Loading Zone from the east property line 22' west, Special Truck Loading Zone 7 a.m. to 1 p.m. sign to be installed on Meter MKT 2225.

1415 FOLSOM STREET (10th St) CAPRICORN COFFEES GRANT

At 1415 Folsom Street, install 10' Yellow Zone from the east property line 10' west to driveway.

140 14th STREET (FOLSOM ST) BARTFIELD SALES GRANT

At 140 14th Street, install 6' Red Zone from the west property line 6' driveway clearance. Install 18' Yellow Zone from the east property line 18' west.

2460 TARAVAL (35th AVE) LAKE SHORE LIQUOR REVOKE/GRANT

At 2460 Taraval, Revoke 18' Green Zone 18' east of 35th Avenue. Install 18' Yellow Zone 18' east of 35th Avenue.

99 ECKER STREET (MISSION) WESTERN PACIFIC RAILROAD REVOKE

At 99 Ecker-Street, Revoke 75' Green Zone north of south building line, north of Mission Street. Install 53' Yellow Zone from 22' to 75' north of Mission Street.

1335 COLUMBUS AVENUE (BEACH) SFPD REVOKE

At 1335 columbus Avenue revoke 27' Green Zone from 3' to 30' south of the north building line.

50 CALIFORNIA STREET (DAVIS ST) UNION BANK REVOKE

At 100 Davis Street, revoke 44' White Zone from 116' to 160' north of California Street. Install two (2) 30-minute parking meters.

50 CALIFORNIA STREET (DAVIS ST) UNION BANK REVOKE

At 50 California Street, revoke 88' White Zone from 49' to 137' east of Davis Street. Install four (4) 30-minute parking meters.

2230 PALOU AVENUE (INDUSTRIAL ST) SFPD REVOKE

At 2230 Palou Avenue, revoke 16' Green Zone from 4' to 20' east of the west line.

451 BAKER STREET (GROVE ST) MORNING GLORY SANDWICH REVOKE

At 451 Baker Street, revoke 33' White Zone from 15' to 48' south of Grove Street. (Zone does not exist - - remove from our records only).

1331 COLUMBUS AVENUE (BEACH) SFPD REVOKE

At 1331 Columbus Avenue, revoke 23' Green Zone, 23' north of the south property line.

2754 24th STREET (HAMPSHIRE ST) CHILDCARE CENTER REVOKE

At 2754 24th Street, revoke 22' White Zone from 13' to 35' west of Hampshire Street. Install one (1) One-hour Parking Meter.

2970 - 2972 24th STREET (HARRISON ST) SFPD REVOKE

At 2970 - 2972 24th Street, revoke 22' Yellow Zone to extend east of west line of building. Install one (1) one-hour parking meter.

2460 TARAVAL (35th AVE) LAKE SHORE LIQUOR REVOKE

At 2398 35th Avenue, revoke 36' Green Zone from 6' to 42' north of Taraval.

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 731-83

PAUL FREIRMUTH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Freirmuth against the City and County of San Francisco in the sum of $214.05 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 11, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 732-83

HENRY BERKLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Henry Berkley against the City and County of San Francisco in the sum of $327.27 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 26, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 733-84

METRO AUTO SERVICE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Metro Auto Service against the City and County of San Francisco in the sum of $195.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 26, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 734-83

CHONG JA YI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chong Ja Yi against the City and County of San Francisco in the sum of $475.67 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 6, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 735-83

DAVID KNOPF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Knopf against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 22, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 736-83

NAOMI J. SANCHEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Naomi J. Sanchez against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 22, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 737-83

STEVEN McELMURY & IRENE GARDEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven McElmury and Irene Garden against the City and County of San Francisco in the sum of $59.20 as the result of a faulty tow, be and the same is hereby approved.

Date of Incident: June 1, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 738-83

PAUL B. FERGUSON, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul B. Ferguson, Jr. against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 27, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 739-83

JAMES EDWARD CUMMINGS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Edward Cummings against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 23, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 740-83

EDWARD ARKELIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edward Arkelian against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 14, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 741-83

SALVATORE RIZZO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Salvatore Rizzo against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 7, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 742-83

DEBORA JANUARY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Debora January against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 4, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 743-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 13, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 744-83

KAREN A. FRIEDMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen A. Friedman against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 14, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 745-83

PHILIP J. MARESCA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Philip J. Maresca against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 25, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 746-83

STUART WEINBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stuart Weinberg against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 747-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 24, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 749-83

LAURIE BUSHMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laurie Bushman against the City and County of San Francisco in the sum of $96.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 27, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 750-83

JOHN HAROLAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Harolan against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 12, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 751-83

FRANK J. TATKO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank J. Tatko against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 22, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 752-83

MALLORY D. WITT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mallory D. Witt against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 22, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 753-83

YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-op, Inc. against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 13, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 754-83

MRS. MARIE SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mrs. Marie Smith against the City and County of San Francisco in the sum of $59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 23, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 755-83

VADIM NEMECHAYEFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vadim Nemechayeff against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 21, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 756-83

KENNETH D. HOLMBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kenneth D. Holmberg against the City and County of San Francisco in the sum of $582.87 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 21, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 757-83

JEANNE HECKART

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeanne Heckart against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 15, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 758-83

MONA BERNSTEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mona Bernstein against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 15, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 759-83

ALL VEHICLE PARTS, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of All Vehicle Parts, Inc. against the City and County of San Francisco in the sum of $74.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 1, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 760-83

JONATHAN SPRAGUE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathan Sprague against the City and County of San Francisco in the sum of $36.80 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 16, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 761-83

DAVID HUGHES & JANET HAAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Hughes and Janet Haas against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 762-83

DAVID G. JONES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David G. Jones against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 763-83

VICTORIA KOOSED

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victoria Koosed against the City and County of San Francisco in the sum of $59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 24, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 764-83

MONTE E. SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Monte E. Smith against the City and County of San Francisco in the sum of $96.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 765-83

JOHN CARLTON TOMPKINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Carlton Tompkins against the City and County of San Francisco in the sum of $74.15 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 16, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 766-83

DAVID WALKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Walker against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 26, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 767-83

DAMON WILLIAMS, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Damon Williams, Jr. against the City and County of San Francisco in the sum of $59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 24, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 768-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $68.40 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 27, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 769-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 31, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 770-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 25, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 771-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 26, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 772-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 26, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 773-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 5, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 774-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 31, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 775-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 17, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 776-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 23, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 777-83

IVELOU C. KUCHINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ivelou C. Kuchins against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 91 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 778-83

JAMES MARTIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Martin against the City and County of San Francisco in the sum of $156.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 15, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

COMMUNICATION RECEIVED FROM THE RETIREMENT BOARD OFFICIALLY NOTIFYING THE POLICE COMMISSION OF THE RETIREMENT OF THE FOLLOWING NAMED MEMBER OF THE POLICE DEPARTMENT

Police Service Aide John F. Haskett, for service effective June 1, 1983.

APPROVAL OF TRAVELING EXPENSE VOUCHERS SUBMITTED BY THE FOLLOWING NAMED MEMBERS OF THE DEPARTMENT FOR ATTENDANCE AT CONFERENCES APPROVED BY THE POLICE COMMISSION, SAID EXPENSES HAVING BEEN APPROVED BY THE CHIEF OF POLICE

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLUTION NO. 779-83

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program be, and the same is hereby approved.

Insp. James Griffin)	$624.00	(Juvenile Justice Update
Insp. Duane Otis)		(1983 - Delinquency
		(Control Institute
		(Los Angeles, California
		(06/06/83 - 06/10/83

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 780-83

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Insp. Howard Bailey)	$450.00	(Advanced Polygraph Seminar
		(Spokane, Washington
		(06/12/83 - 06/15/83

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 781-83

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Michael Gash, Attorney)	$239.00	("Skelly" and "Bill of
		(Rights for Peace Officers
		(Seminar
		(S. Lake Tahoe, Nevada
		(06/20/83

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 782-83

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved.

Officer Rebecca Rule) $172.00 (Child Abuse: Recognition
Officer Heather Fong) $110.00 (and Intervention Seminar
(Sacramento, California
(06/08/83

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 783-83

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for expenses incurred in attending the below indicated program be, and the same is hereby approved.

Captain Michael Brush) $744.00 (POST Executive Development
Cpatain Robert Forni) 744.00 (Course
(Pomona, California
(04/10/83 - 04/22/83

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 784-83

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program be, and the same is hereby approved.

Officer Leon Crouere) $360.00 (Analyst -C.I.- Training Course
(Sacramento, California
(06/20/83 - 06/24/83

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT SERGEANT DONALD CARLSON, POLICE ACADEMY, BE AUTHORIZED TO ATTEND THE POST SPECIAL SEMINAR FOR BASIC ACADEMY INSTRUCTORS ON PROFESSIONAL ORIENTATION IN SACRAMENTO, CALIFORNIA FROM JULY 12, 1983 TO JULY 13, 1983

RESOLUTION NO. 785-83

AUTHORIZING ATTENDANCE OF SERGEANT DONAID CARLSON, POLICE ACADEMY, AT THE POST SPECIAL SEMINAR FOR BASIC ACADEMY INSTRUCTORS ON PROFESSIONAL ORIENTATION IN SACRAMENTO, CALIFORNIA FROM JULY 12, 1983 TO JULY 13, 1983.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Donald Carlson, Police Academy, be authorized to attend the POST Special Seminar for Basic Academy Instructors on Professional Orientation, in Sacramento, CA from July 12, 1983 to July 13, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the above-named member of the Police Department for subsistence and travel will be reimbursed directly to Sergeant Carlson by POST.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT POLICE OFFICER DAVID ROBINSON, VICE CRIMES/NARCOTICS, BE AUTHORIZED TO ATTEND THE NARCOTIC INVESTIGATION COURSE IN SACRAMENTO, CALIFORNIA FROM JULY 24, 1983 TO AUGUST 5, 1983

RESOLUTION NO. 786-A-83

AUTHORIZING ATTENDANCE OF OFFICER DAVID ROBINSON, VICE CRIMES/ NARCOTICS TO ATTEND THE NARCOTIC INVESTIGATION COURSE IN SACRAMENTO, CALIFORNIA FROM JULY 24, 1983 TO AUGUST 5, 1983

RESOLVED, that the recommendation of the Chief of Police that Officer David Robinson, Vice Crimes/Narcotics, be authorized to attend the Narcotic Investigation Course, conducted by the California Department of Justice in Sacramento, California from July 24, 1983 to August 5, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the above named member of the Police Department in the amount of $720.00 for subsistence and travel are reimbursable by POST.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT INSPECTOR MANUEL BARETTA INVESTIGATIONS BUREAU, BE AUTHORIZED TO ATTEND THE POST SPECIAL SEMINAR FOR INSTRUCTORS OF THE CRIMINAL INVESTIGATION COURSE IN SACRAMENTO, CALIFORNIA FROM JULY 24, 1983 TO JULY 22, 1983

RESOLUTION NO. 787-A-83

AUTHORIZING ATTENDANCE OF INSPECTOR MANUEL BARRETTA, INVESTIGATIONS BUREAU, AT THE POST SPECIAL SEMINAR FOR INSTRUCTORS OF THE CRIMINAL INVESTIGATION COURSE IN SACRAMENTO, CALIFORNIA FROM JULY 24, 1983 TO JULY 22, 1983

RESOLVED, that the recommendation of the Chief of Police that Inspector Manuel Barretta, Investigations Bureau, be authorized to attend the POST Special Seminar for Insturctors of the Criminal Investigation Course, conducted by the Commission on Peace Officer Standards, and Training in Sacramento, CA from July 21, 1983 to July 22, 1983, be, and the same is hereby approved; and be it further

RESOLVED, taht expenses incurred by the above named member of the Police Department in an amount not to exceed $174.00 for subsistence and travel are reimbursable by POST.

AYES: Commissioners Daly, Toler, Nelder, Murphy
Sanchez

POLICE COMMISSION REPORT

Commissioner Nelder, said he simply wanted to say to the Cheif that Deputy Chief Eimil who acted as Chief in the Chief's absence was complimented by the Commission last week primarily, so that you, Chief, would get the notification that Deputy Chief Eimil had done a fine job. He said usually when someone does something wrong the Commission calls them out and lets the Chief know so at this point he said he felt it was most proper to let the Chief know that Deputy Chief Eimil had done a very fine job.

Chief Murphy thanked the Commission and said he would like to say to them that Deputy Chief Eimil was "Murphy Trained" but he (Murphy) was afraid that the opposite was true.

Commissioner Sanchez said on another subject that the Commission had met today in Executive Session in accordance with the Brown Act pertaining to litigation and other matters and there was no vote taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said he had no report tonight.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT AN AMENDMENT TO THE MUNICIPAL CODE (POLICE CODE) BY ADDING ARTICLE 34 REGULATING EMERGENCY ALARM SYSTEMS AND PRESCRIBING PENALTIES FOR VIOLATION OF THIS ARTICLE.
(CONTINUED TO JUNE 8, 1983)

Captain Frank Jordan of the Community Services Division said to the Commission that this matter is a follow-up on the meeting held two weeks ago where discussion was held with the Alarm Industry and members of the Commission. He said as a result of that meeting, part of the discusssion evolved around as to how they would implement the Emergency Alarm Ordinance in terms of two different ways to go. He said that one, the alarm industry wanted the Department to go to a "no response" mode rather than actually charging fees for infractions and that second, they would like to have the fines reduced that the Department has set, based on what it was charging. He said the Alarm Ordinance is based on a 60-day cycle. He said the first time the Department would warn the individual that they have a malfunction or something needed to be done in training the individuals who were using it. He said the second false alarm during the 60-day period would go to a $25.00 fee, and a third alarm in this same period would go to a $75.00 fee and a fourth would go to a $150.00 fee. He said this program is modeled after the one already in effect in the City of San Jose and Sergeant Kirk Grant and Officer Dave Moss from that police department are here to tell the Commission of their experience with their alarm system.

Sergeant Kirk Grant said they receive what they call a "fair card" during every false alarm and allow one false alarm in every thirty (30) day period. He said anything over that, they levy a fine of $50.00, a third one is $100.00 and anything above three in 30 days is a $250.00 fine. He said they go out and try to work with the people and the alarm company to try and solve the problem before it reaches this critical stage. He said they have had good rapport with the people and the alarm companies in the Santa Clara Valley. He said last year they had over 20,000 false alarms and this year they have had only 14,000. He said they have for this year issued 364 citations as opposed to the number originally issued for the first three months, a total of 75. Commissioner Sanchez thanked the San Jose officers and invited other persons who desired to speak to come forth and present their position on the issue. The following persons then came forth:

Mr. Bill Ceresky, President
North American Alarm Company
San Francisco

Mr. Ted Barron
Day and Night Alarm Company
San Francisco

Mr. Bill Kennedy
Bay Alarm Company

Ms. Pam Alba
Allied Security Systems

After listening to the above named parties and exchanging dialogue on this issue, Commissioner Daly moved that it be continued to the 20th of July.

PROPOSAL TO ESTABLISH POLICE MUSEUM

Commissioner Murphy then mentioned that a communication to the Commission should have been entertained under the Police Commission Report is from the San Francisco Police Officers' Association, asking the Commission to support their proposal for a Police Museum. She said she would enter a motion in that regard. Commissioner Nelder made a motion to that effect. Chief Murphy said a Museum is fine but there is no space for it in the Hall of Justice. The Commission then voted to support the proposal pending location of appropriate space for its housing.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE PATROL OFFICERS' MANUAL ADOPTED BY RESOLUTION 121-73, TO BE EFFECTIVE AS OF MARCH 15, 1973, BE RESCINDED AND REPLACED BY THE CURRENT GENERAL ORDERS AND TRAINING BULLETINS.

RESOLUTION NO. 786-83

PATROL OFFICERS' MANUAL

RESOLVED, that the Patrol Officers' Manual adopted by Resolution 121-73, to be effective as of March 1973, be rescinded and replaced by the current General Orders and Training Bulletins now being issued.

AYES: Commissioners Daly, Toler, Nelder, Murphy
Sanchez

PUBLIC HEARING REGARDING DEPARTMENT GENERAL ORDER I-06, DOMESTIC VIOLENCE

RESOLUTION NO. 787-A-83

DEPARTMENT GENERAL ORDER I-06 "DOMESTIC VIOLENCE" - APPROVED

RESOLVED, that the Police Commission hereby approves Department General Order I-06, regarding Domestic Violence.

AYES: Commissioners Daly, Toler, Nelder, Murphy
Sanchez

RECEIPT OF DEPARTMENT GENERAL ORDER D-9 "RESPONSIBILITIES OF SUPERIOR OFFICERS" (COPIES SENT TO EMPLOYEE ORGANIZATIONS)

Continued to August 3, 1983.

PUBLIC HEARING REGARDING PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF JITNEY BUS PERMITS

Officer Lamont Suslow advised the Commission that tonight was the night for public convenience and necessity applications. He said the Permit Section has forwarded a list of applicants for the various routes that are available in the Police Code. He said the first route is the Mission Street route where there are 15 applicants. He said the second route is the Third Street Route with six applicants and two applicants have filed for the now defunct Fisherman's Wharf route and one applicant filed for a route that has never been established. Commissioner Murphy said that she remembers the the Commission decided that Mission Street could not take any more Jitneys.

Officer Suslow, in acknowledging that fact, said that the hearing on that matter commenced in January and continued for several months thereafter and appeals of the Commission's decision to deny additional permits on that route (Mission Street) also took months after that.

The Commission then inquired as to the number of persons present that desired to speak and learned that several people desired to speak, half on behalf of the Third Street route, and half on behalf of the Mission Street route. The speakers were as follows:

Mr. Joel Marsh, representing the
Jitney Owners' Association

Mr. Guy Wright
San Francisco Municipal Railway

Mr. Frank Maestro,
Insurance Broker for
Jitney Bus Operators

Mr. Anthony Villum, Applicant

Mr. Antonio Davey,
Jitney Van Operator
Mission Street

Mr. Mendel Millstein
Jitney Operator

Mr. Hosey

Mr. Berlot

Mr. Siebert

Mr. Daniel Antepoisto

Mr. Howard Goldstein
Jitney Operator
Mission Street

After listening to testimony from the above parties, Commissioner Daly suggested that the two applicants for the Fisherman's Wharf route be contacted and advised regarding refunds along with the party who filed for the route that was never in existence.

Commissioner Nelder then moved to deny additional permits for Mission Street and it was unanimously approved.

Officer Suslow recommended to the Commission to continue the Third Street Jitney matter to July 20th to see if the current individuals on the list will qualify for permits. Commissioner Nelder then moved that the Commission Resolution established in March of 1983, regarding Jitneys for the Third Street route, be maintained to accommodate those applicants who are interested in seeking a permit on Third Street and advise those persons who are seeking permits on Mission Street that they can certainly be applicants for the Third Street Route.

RESOLUTION NO. 832-83

APPLICATION FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF JITNEYS ON MISSION STREET - DENIED

WHEREAS, each of the below-named persons applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of permits to operate a jitney bus in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on January 5, 1983 and continued to and including July 6, 1983; and

WHEREAS, the various persons testified in opposition to the granting of additional permits and evidence in support of their position, was presented to the Commission; and

WHEREAS, the law requires that in order for a declaration of public convenience and necessity to be made, the applicants shall have the burden of proof to establish by clearn and convincing evidence that public convenience and necessity require the operation of the vehicle for which permit application is made; and

WHEREAS, existing permit holders are, under normal conditions, adquately serving the public; therefore be it

RESOLVED, that it is the decision of the Commission to deny additional jitney bus permits for Mission Street; and be it further

RESOLVED, that said permits shall be, and the same are hereby denied to the following:

Antonio David
Thomas J. Inghelram
Cirilo M. DeGuzman, Jr.
Leonilo S. Cabahit
Jose A. Vasquez
Edmund L. Lung
Jasimar Panggabean
Alberto DeGuzman
Harvey Lew
Diosado S. Reyes
Eduardo A. Dela Cruz
Danilo H. Raymundo
Miguel V. San Juan
Daniel C. Antipuesto
Anthony R. Fil-Am

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

(The entire test of the Jitney Bus Hearing was recorded by Linda Pransky, CSR, and is on file in the Police Commission office)

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ISSUE TO MR. PATRICK J. McMAHON, A TAXICAB PERMIT AS HE IS APPLICANT NUMBER 31 ON THE SAN FRANCISCO POLICE DEPARTMENT'S TAXICAB PERMIT LIST AND NEXT IN LINE TO RECEIVE A TAXICAB PERMIT, RECENTLY RETURNED TO THE CITY

RESOLUTION NO. 800-83

APPLICATION FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICABS - APPROVED

WHEREAS, the below named person applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of permits to operate a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on February 11, 1981, and hearings continued at intervals until and including October 28, 1983; and

WHEREAS, prior to the emergence of Proposition K there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission has set the number at 711 taxicab permits for the City and County of San Francisco; and

WHEREAS, the Commission has been advised by the Permit Section that the number of taxicab permits has recently decreased to 710 and should be raised to the original level of 711; therefore be it

RESOLVED, that it is the decision of the Commission to issue one (1) new taxicab permit to bring the number back up to 711 taxicab permits for the City and County of San Francisco; and be it further

RESOLVED, that said permit shall be granted under and shall be revokable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to the below-named applicant:

Patrick J. McMahon

AYES: Commissioners Daly, toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE MOTOR VEHICLE FOR HIRE PERMIT ISSUED TO PHILIP JOSUE BE SUSPENDED

Mr. Ed Solomon, Attorney for Mr. Philip Jose, said that this issue occurred either by mistake or some unknown error as he runs several shifts of cabs with different people. He said Mr. Josue does not remember the deceased permit owner's son coming to him and telling him that Mr. Mulford (permit owner) had died. He said Mr. Josue, sometime in 1983, visited Mr. Mulford in the hospital and obtained an affidavit from him as required from time to time by the Police Department. He said that the son may have contacted City Cab Company but there are three brothers named Josue and also a son of one of the brothers but none remember receiving the report. Mr. Solomon said if the Commission does suspend Mr. Josue's operation for ten months it is certainly punishment to Mr. Josue as far as money is concerned but it not only hurts Mr. Josue but it hurts those drivers that are employed by him as they would also be suspended for ten months.

Mr. Herman Wikkeling, President of City Cab, asked the Commission to reconsider this recommendation of 10 months suspension because if it is imposed it would mean that four people would be unemployed for that time and the Company already has a hard time filling radio orders for cabs. He said it is his feeling that City Cab Company should not be penalized for that nor should those poor people who would be put out of work.

Chief of Police Cornelius P. Murphy, after being asked for his comments, said that he had not made the original recommendation but that he had no qualms about the suspension of Mr. Josue's permit but as there are other people involved who are working for him, he would recommend reducing the amount of suspension of one of Mr. Josue's permits. He said, however, in order to be effective there has to be some suspension but ten months is excessive. After discussion, the Commission adopted the following resolution:

RESOLUTION NO. 799-83

RECOMMENDATION OF THE CHIEF OF POLICE THAT TAXICAB PERMIT HOLDER MR. PHILIP JOSUE BE PLACED ON PROBATION FOR VIOLATION OF SECTION 1115 OF THE MUNICIPAL POLICE CODE

WHEREAS, Mr. Philip Josue is the owner of six (6) taxicab permits operating as City Cab at 2015 McKinnon Avenue. He also operated Cab Permit #59, owned by Mr. Richard Mulford; and

WHEREAS, Mr. Richard Mulford, owner of Cab Permit #59, died on August 6, 1982 in Sonoma, California; and

WHEREAS, on or about August 8, 1982, or August 9,1982 the son of the deceased, also named Richard Mulford, informed Mr. Josue of the death of the permit holder, Richard Mulford; and

WHEREAS, Mr. Philip Josue knew, or should have known, that a taxicab permit is void upon the death of the permit holder, but he nonetheless operated a taxicab without a valid permit for approximately ten (10) months; and

WHEREAS, the Chief of Police may suspend any permit when the business is conducted in an improper manner and upon investigation it was discovered that Mr. Josue operated a taxicab in violation of the provisions of Section 1115 of the Municipal Police Code and therefore was cited to appear at a Chief's hearing on the matter; and

WHEREAS, at the Chief's hearing the Chief of Police did find that Mr. Josue violated the provisions of Section 1115 of the Municipal Police Code and recommended that one of Mr. Josue's permits, operated with the City Cab Company, be suspended for a period of ten (10) months; and

WHEREAS, the matter was brought before the Police Commission on Wednesday, July 6, 1983 for hearing on the Chief's recommendation; and

WHEREAS, the Police Commission finds that Mr. Philip Josue violated the provisions of Section 1115 of the Municipal Police Code in that he operated the said taxicab without a valid permit for approximately ten (10) months; therefore be it

RESOLVED, that it is the order of the Police Commission that one of Mr. Philip Josue's six (6) taxicab permits, Permit No. 34, shall be suspended from operation for a period of one (1) month commencing Monday, July 18, 1983 and that said permit shall also be placed on probation for three (3) years, providing that if during this probationary period Mr. Philip Josue commits any violation of Section 1115, of the Municipal Police Code or any of the rules governing the operation of taxicab permits, said permit shall be suspended from operation for a period of three (3) years from the date of any subsequent violation.

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

PUBLIC HEARING REGARDING PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF TAXICAB PERMITS. (CONTINUED FROM MEETING OF JULY 22, 1983

Officer Farrell Suslow in his report to the Commission on this matter said he would like to read the final conclusion of the Department as submitted in a report to the Commission dated June 16, 1983. He said that in the Department's opinion no new testimony has been presented to the Commission that had not previously been discussed in past hearings. Commissioner Daly, after discussion on the issue, said she would make a motion that the Commission had not found new evidence and that the Commission would not issue new taxicab permits at this time. Commissioner Nelder seconded and it was unanimously approved.

RESOLUTION NO. 802-83

APPLICATION FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICABS - DENIED

WHEREAS, the below named persons applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of permits to operate a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on April 27, 1983 and continued to and including July 6, 1983; and

WHEREAS, various persons testified in opposition to the granting of additional permits and evidence in support of their position was presented to the Commission; and

WHEREAS, the law requires that in order for a declaration of Public Convenience and Necessity to be made, the applicants shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity require the operation of the vehicle for which permit application is made; and

WHEREAS, the Police Commission has set the number at 711 taxicab permits for the City and County of San Francisco and has been advised by the Permit Section, after a recent survey and report, that public convenience and necessity does not exist to increase the number of taxicabs as established by the Police Commission at 711; and

WHEREAS, existing permit holders are under normal conditions, adequately servicing the public; therefore be it

RESOLVED, that it is the decision of the Commission to deny additional taxicab permits for the City and County of San Francisco; and be it further

RESOLVED, that said permits shall be and are hereby denied to the attached list of applicants.

AYES: Commissioners Daly, Toler, Nelder, Murphy
Sanchez

(The entire text of the Jitney Hearing was recorded by Linda Pransky, CSR, and is on file in the Police Commission Office)

THE MEETING WAS THEN ADJOURNED AT 8:25 p.m.

Lt. Willie E. Frazier
Secretary
THE POLICE COMMISSION

13 JULY 1983 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 13, 1983, at 1730 hours in Regular Session.

PRESENT: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

Commissioner Murphy presiding.

REQUEST FOR POLICE OFFICER MICHAEL HUGHES, MUNI TRANSIT DIVISION, FOR PERMISSION TO TAKE A LEAVE OF ABSENCE WITHOUT PAY FOR A PERIOD OF SIXTY (60) DAYS FROM JULY 24, 1983. (PENDING HIS HEARING BEFORE THE POLICE COMMISSION)

Continued to July 20, 1983

SETTING OF DATE FOR HEARING OF REQUEST OF SERGEANT RONALD R. KIEL FOR A RECOMMENDATION FOR INDUSTRIAL DISABILITY RETIREMENT

Deputy Chief Shannon requested the Commission to put this matter over for six weeks as he was going on vacation and he usually is the person to move this type of matter along. Commissioner Nelder so moved, it was seconded by Commissioner Daly and unanimously approved.

POLICE COMMISSION REPORT

No report.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy advised the Commissioners that he had no report tonight but would be willing to respond to the Commissioners questions if they had any.

STATUS REPORT REGARDING RULES, PROCEDURES AND UNIFORM EQUIPMENT SPECIFICATIONS FOR PATROL SPECIAL OFFICERS

Deputy Chief Shannon said he believed that Commissioner Sanchez was the one who called for this to be discussed but since he was absent tonight he wondered if the Commissioners would like to wait until he returns before hearing it. Commissioner Nelder then moved that the matter be continued for one week and it was seconded by Commissioner Daly and unanimously approved.

HEARING OF SERGEANT ROBERT DILLON, SUPPORT SERVICES BUREAU (RECORDS)

Mr. Ephraim Margolin: "Good afternoon, in the matter of Mr. Dillon, I am Ephraim Margolin. We intended to proceed today to the hearing, I even had my witnesses under subpoena, but it was not until yesterday that I received a hefty amount of discovery. And I want to make it clear that Mr. Jerry Akins, Attorney for the San Francisco Police Department, is not to be blamed for it, as I believe he got it only a couple of hours before he notified me. But the bottom line is that we stayed up most of the night trying to go through it, and we are simply not prepared, we did not digest it. It is possible that there is nothing there but I can't afford to go without reading it. And for that reason, I will ask for a continuance to whatever date and I would also ask that this continuance be until all five Commissioners are present."

Commissioner Murphy: "I want to speak to that Mr. Margolin. I am sure we will give you a continuance but I am very concerned about the pile-up and backlog of the hearings we have and I believe it is almost insulting to the Commissioners present to say that three members of the Commission could not make as objective a decision as all five. And I really don't think it is up to the Commission. I think there are certain cases that we would certainly want all five here. Very serious ones and so on. But I think there are others that we could very well

make an appropriate decision, that is what the law requires."

Mr. Margolin: "If I may, Commissioner, this matter came before you once before and even though technically it is now different charges, in reality it is a continuation of the thing that happened before and there were five Commissioners then. And it was not my intent to suggest that you always need five Commissioners on every case. I will suggest that this case is serious and this case, because of its history, requires the presence of the five Commissioners if it can be done. I will ask for it."

Commissioner Murphy: "Yes, I think that is up to the Commission to decide. I think that is a good argument, perhaps, but we will see. But it will be our decision rather than the attorneys, I am not talking about you alone, I am talking about all of the attorneys."

Commissioner Nelder: "I think what you say is very true and I think what Mr.Margolin said is very true also. We are all familiar with this case because we all heard part of it, we heard a companion matter some weeks ago and I think that the full Commission should attend on matters that have a serious connotation or serious allegations and I think this one falls in that category so I will move approval of the request for a continuance. How long do you think you will need?"

Mr. Margolin: "I can be ready very quickly, I need a week or two weeks because I was ready before and it is just that I got additional material."

Commissioner Nelder then said he would make a motion that it be continued to August 3, 1983, at the request of Mr. Margolin. It was seconded by Commissioner Daly and unanimously approved.

RESOLUTION NO. 806-83

HEARING OF POLICE SERGEANT ROBERT DILLON, SUPPORT SERVICES BUREAU - RECORDS DIVISION

WHEREAS, the hearing of Sergeant Robert Dillon, Support Services Bureau, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Ephraim Margolin, attorney for Sergeant Dillon, that the date for the hearing before the Police Commission be set for August 3, 1983; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Sergeant Robert Dillon, Taraval Station, is set for Wednesday, August 3, 1983, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

HEARING OF OFFICER ALEX TROY WILLIAMS, SUPPORT SERVICES BUREAU

WHEREAS, the hearing of Police Officer Alex Troy Williams, Support Services Bureau, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Paul Chignell, Vice President of the San Francisco Police Officers' Association, that the matter be continued to July 20, 1983; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Alex Troy Williams, Support Services Bureau, is continued to Wednesday, July 20, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

REQUEST FOR DISMISSAL OF ALL PENDING CHARGES AGAINST POLICE OFFICER YVONNE HARBOR AND POLICE OFFICER LAWRENCE GRAY BY THE LAW FIRM OF BLEY AND BLEY (CONTINUED FROM JULY 6, 1983)

Ms. Janice Musante, Attorney for Officer Harbor, and Mr. John Prentice, Attorney for Officer Gray, presented arguments and written briefs to the Commission as to why charges against these officers should be dismissed. Mr. Jerry Akins, attorney for the San Francisco Police Department, countered as to why the charges should go on for hearing as originally drawn. Commissioner Nelder, after listening to all parties, said that for this incident to have occurred back in 1981 and a complaint lodged within 10 days and the first notification made to the officers with this accusation being in December 1982, seems to him, he said, to be very serious as far as the standpoint of the statue of limitations. He continued by saying to Commissioner Murphy and Commissioner Daly, that in fairness to Mr. Akins, he would make a motion that Mr. Akins respond in writing for the Commission's action next week as right now he is inclined to make a motion that the charges be dismissed, but in fairness to the Department and Mr. Akins, they should be given the opportunity to respond in writing to the petition offered by counsels for the defense. Commissioner Daly seconded and it was unanimously approved to be continued for one week. Thereafter, Commission Daly made a motion to put off-calendar, next week's scheduled hearing of the charges filed against Officer Yvonne Harbor and Officer Lawrence Gray, pending determination of the outcome of Defense Motion for Dismissal of said Charges. It was seconded by Commissioner Nelder and unanimously approved.

RECEIPT OF DEPARTMENT GENERAL ORDER Z-3, "RELEASE OF POLICE REPORTS" (COPIES SENT TO EMPLOYEE ORGANIZATIONS)

Continued to August 24, 1983.

RECEIPT OF DEPARTMENT GENERAL ORDER I-7, "DEATH CASES" (COPIES SENT TO EMPLOYEE ORGANIZATIONS)

Continued to August 24, 1983.

RECOMMENDATION OF THE CHIEF OF POLICE THAT LIEUTENANT RONALD JACKSON, POLICE ACADEMY, BE AUTHORIZED TO ATTEND THE QUARTERLY MEETING OF THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST) TO BE HELD IN SAN DIEGO CALIFORNIA ON JULY 21, 1983

RESOLUTION NO. 795-83

AUTHORIZING OF LIEUTENANT RONALD JACKSON, POLICE ACADEMY, TO ATTEND THE QUARTERLY MEETING OF THE COMMISSION QN PEACE OFFICER STANDARDS AND TRAINING (POST) IN SAN DIEGO, CA ON JULY 21, 1983

RESOLVED, that the Police Commission hereby approves the recommendation of the Chief of Police that Lieutenant Ronald Jackson, Police Academy, be authorized to attend the quarterly meeting of the Commission on Peace Officer Standards and Training (POST) to be held in San Diego, CA on July 21, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the above-named member of the Police Department in the amount of $148.00 for travel will be defrayed from the Department Training Fund.

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT DEPUTY CHIEF JAMES RYAN, INVESTIGATIONS BUREAU, BE AUTHORIZED TO ATTEND THE INTERNATIONAL CONFERENCE ON FINANCIAL INVESTIGATIONS AND INTERNATIONAL CRIMINALITY, IN SAN DIEGO, CA FROM JULY 18, 1983 TO JULY 20, 1983

RESOLUTION NO. 796-83

AUTHORIZING ATTENDANCE OF DEPUTY CHIEF JAMES RYAN, INVESTIGATIONS BUREAU, AT THE INTERNATIONAL CONFERENCE ON FINANCIAL INVESTIGATIONS AND INTERNATIONAL CRIMINALITY IN SAN DIEGO, CA FROM JULY 18, 1983 TO JULY 20, 1983

RESOLVED, that the recommendation of the Chief of Police that Deputy Chief James Ryan, Investigations Bureau, be authorized to attend the International Conference on Financial Investigations and International Criminality conducted by the International Association of Chief's of Police and the United States Customs Service in San Diego, California from July 18, 1983, to July 20, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the above-named member of the Police Department in the amount of $344.00 for subsistence and travel will be reimbursed by the International Association of Chiefs of Police.

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

THE MEETING WAS ADJOURNED AT 6:35 P.M.

Willie E. Frazier

Lt. Willie E. Frazier
Secretary

20 JULY 1983 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, July 20, 1983 at 1700 hours, in Executive Session.

PRESENT: Commissioners Daly, Toler, Nelder, Murphy Sanchez

1. Attorney-Client Conference.
2. Personnel Matter.

Commissioner Sanchez presiding.

20 JULY 1983 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street, on Wednesday, July 20, 1983 at 1730 hours, in Regular Session.

PRESENT: Commissioners Daly, Toler, Nelder, Murphy Sanchez

Commissioner Sanchez presiding.

APPROVAL OF CONSENT CALENDAR

Sergeant John Newlin of the Traffic Survey Division advised the Commission that there were individuals present who desired to speak on Item 15 (Status Report regarding Rules, Procedures and Uniform Equipment Specifications for Patrol Special Officers, continued from July 13, 1983). He said the concerned individuals had noticed that the public notice that the Division usually puts up had been removed from the public's view. He said, so, there are people here tonight to speak for retention of the white zone that is scheduled to be removed and people who would be speaking against it. He said some of the people who are against it may not be here tonight, so he would suggest to the Commission that they hear from those who are here and allow proper notice to be given to others who would like to come at a later time and speak on the issue also.

Commissioner Sanchez then invited those present to come forth and speak on the issue.

Speaker (male, name not given) said he was a member of the Board of Directors at school. The above two parties were for retention of the White Zone in front of the school and after hearing their positions, Commssioner Murphy moved that the matter be continued for two weeks until those people in opposition of retaining the zone are notified and are able to appear before the Commission at that time. It was seconded by Commissioner Nelder and unanimously approved.

The Commissioners thereafter voted unanimously to approve the remaining items on the Consent Calendar.

RECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLATION OF TRAFFIC ZONES ON THE PUBLIC STREETS

2550 SACRAMENTO ST(FILLMORE ST) "THE WAITING GAME" GRANT

At 2550 Sacramento Street, INSTALL 21' Green Zone 21' west of the east building line.

1001 WEBSTER ST (GOLDEN GATE) "FIRST UNION CHURCH" GRANT

At 1001 Webster Street, INSTALL 22' Blue Zone from 44' to 66' north of Golden Gate Avenue on Webster Street.

525 LAGUNA ST (HAYES ST) "JUANITO'S BURRITOS" GRANT

At 525 Laguna Street INSTALL 22' Green Zone from 17' to 39' south of Hayes Street on Laguna.

#5 FREMONT ST (MARKET ST) GRANT

At #5 Fremont Street, INSTALL 65' White Zone from 53' to 118' north of Mission Street.

1256 7th AV (LINCOLN WAY) "COMPUTURTAX" GRANT

At 1256 7th Avenue INSTALL 22' Green Zone from the north property line of 1256 7th Avenue 22' north.

2516 NORIEGA ST (32nd AV) "A & A LIQUOR" GRANT

At 2516 Noriega Street, INSTALL 18' Green Zone from the west property line 18' east -- two (2) diagonal parking spaces.

#40 BERRY ST (2nd ST) "LOUIS METAL PRODUCTS" GRANT

At #40 Berry Street, INSTALL 25' Yellow Zone from 15' to 40' east of the west property line.

2130 FILLMORE ST (CALIFORNIA ST) GRANT

At 2130 Fillmore Street, INSTALL 18' Special Truck Loading Zone from 72' to 90' south of Sacramento Street. 7:00 a.m. to 1:00 p.m. sign to be installed on Meter #2122.

2080 VAN NESS AV (JACKSON ST) "CAFE ROYALE" GRANT

At 2080 Van Ness Avenue INSTALL 18' White Zone from 10' to 28' south of Pacific Avenue, 5:00 p.m. to midnight sign to be attached to Meter #2028.

1560 FILLMORE ST (WEBSTER ST) "FRANKLIN CARPET" GRANT

At 1745 Geary Boulevard, INSTALL 44' Special Truck Loading Zone from 10' to 54' east of Fillmore Street. 9:00 a.m. to 1:00 p.m. signs to be installed on Meters #1745 and #1743.

#5 FREMONT ST (MISSION ST) GRANT

At 402 Mission Street, INSTALL 20' White Zone from 19' to 39' west of Fremont Street.

850 DIVISADERO ST (FULTON ST) "AMER. MUSLIM MISSION" REVOKE

At 850 Divisadero Street, REVOKE 22' Yellow Zone from 22' to 44' south of McAllister Street, INSTALL one Meter. INSTALL 22' White Zone from 44' to 66' south of McAllister Street REMOVE Meter DIV 826.

3654 BALBOA ST (37th AV) "RICHMOND MAXIE HEALTH CNTR" REVOKE

At 3654 Balboa Street, REVOKE 22' Yellow Zone from 114' to 136' east of 38th Avenue. INSTALL 22' Blue Zone from 114' to 136' east of 38th Avenue.

1745 GEARY BLVD (WEBSTER ST) REVOKE

At 1745 Geary Boulevard, REVOKE 26' Yellow Zone from 76' to 102' east of Fillmore Street.

545 HUGO ST (7th AV) REVOKE

At 549 Hugo Street REVOKE 20' Green Zone from 3' to 23' east of 7th Avenue.

3049 26th ST (ALABAMA ST) REVOKE

At 3049 26th STreet, REVOKE 21' Yellow Zone from 6' to 27' east of Alabama Street.

3050 26th ST (ALABAMA ST) REVOKE

At 3050 26th Street, REVOKE, 18' Green Zone from 3' to 21' west of Alabama Street.

3299 26th ST (SOUTH VAN NESS AV) REVOKE

At 3299 26th Street, REVOKE 36' Yellow Zone from 21' to 57' east of the west building line.

500 29th ST (NOE ST) REVOKE

At 500 29th Street, REVOKE 25' Yellow Zone from 4' to 29' west of Noe Street.

#10 30th ST (MISSION ST) REVOKE

At #10 30th Street, REVOKE 48' Green Zone west of east line of building.

#58 30th ST (SAN JOSE AV) REVOKE

At #58 30th Street, REVOKE 38' Green Zone east of the west line of the building.

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 276 feet of red, green and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO:

RESOLUTION NO. 818-83

KAREN ROSS

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Karen Ross in the sum of $4,000.00 in Superior Court Action No. 778-934, entitled "Karen Ross vs. City and County of San Francisco, et al," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 9, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 819-83

CANADIAN INDEMNITY COMPANY AND SANDRA HEIGHEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Canadian Indemnity Company and its client, Sandra Heichel, against the City and County of San Francisco in the sum of $3,927.74 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 12, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 820-84

FRANCIS LENNON

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Francis Lennon in the sum of $2,500.00 in United States District Court Action No. C-82-5754 RPA, entitled "Francis Lennon, et al, vs. City and County of San Francisco," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 21, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 821-83

MICHAEL B. PECHINSKI AND HIS ATTORNEY STEVEN J. WEBER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael B. Bechinski and his attorney, Steven J. Weber against the City and County of San Francisco in the sum of $1,000.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 24, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RESOLUTION NO. 822-83

ANDREA RESNICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrea Resnick against the City and County of San Francisco in the sum of $82.80 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 27, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 823-84

THOMAS HARRIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Harris against the City and County of San Francisco in the sum of $92.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 21, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 824-83

NICHOLAS SHIHADEH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nicholas Shihadeh against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLUTION NO. 825-83

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program be, and the same is hereby approved.

Cmdr. Richard Trueb) $920.00 (POST Executive Development
(Pomona, California
(06/12/83 - 06/24/83

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 826-83

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program be, and the same is hereby approved.

Insp. William Vince) $271.00 (Child Sexual Abuse Conference
(Sacramento, California
(06/20/83 - 06/22/83

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 827-83

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program be, and the same is hereby approved.

Capt. Victor Macia) $800.00 (Federal Bureau of Investigation
(National Academy
(Quantico, Virginia
(04/10/83 - 06/24/83

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 828-83

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program be, and the same is hereby approved.

Insp. Alan Sonoda) $360.00 (Specialized Surveillance
Officer James Zerga) (Equipment Training
(Sacramento, California
(06/06/83 - 06/10/83

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 830-83

AUTHORIZING ATTENDANCE OF SERGEANT PAUL FORSLIND, CRIMINALISTICS DIVISION, AT THE ADVANCED FIELD EVIDENCE TECHNICIAN COURSE IN LONG BEACH, CA FROM JULY 25, 1983 TO JULY 29, 1983

RESOLVED, that the recommendation of the Chief of Police that Sergeant Paul Forslind, Criminalistics Division, be authorized to attend the Advanced Field Evidence Technician course conducted by the Center for Criminal Justice Research and Training in Long Beach, California from July 25 to July 29, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the above-named member of the Police Department in an amount not to exceed $732.50 for tuition, subsistence and travel are reimbursable by POST.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

POLICE COMMISSION REPORT

Commissioner Daly called upon Officer Paul Seidler to make introductory comments on a video tape that she had not had the privelege to see but she said the Commission will have an opportunity to review this project and the work that has been done to prepare it. Officer Seidler of the Community Relations Unit said he acts as the liasion between the Police Department and the Gay Community. He said that about a year and a half ago the Mayor was instrumental in obtaining funds from the San Francisco Foundation to produce a training film to be used at the Police Academy regarding the Gay and Lesbian Community. He said the two people who thereafter got together and produced and directed it are here tonight and they are Paul Hirston and Jane Leve.

Both parties then came forward and explained what the Commissioners would see in the film when shown it this evening. Mr. Hirston said that the video tape the Commissioners are about to see is designed to present a perspective of the Gay and Lesbian Community that does not fall into the usual stereotypes of this community that most people are familiar with. He said some of the pictures in the beginning of the film depict scenes of old San Francisco, including the great slide at the old Sutro Baths, which was located near the present Cliff House. He also stated that there is a photograph of the Black Cat Bar, which was one of the earliest Gay bars in the City and was located near the old Hall of Justice on Kearney Street. He said that these items are used to depict the ongoing historical presence of the Gay Community in San Francisco. He stated that the first person to appear is Tony Arata, a social scientist and an author of numerous books and studies here on the Gay Community in San Francisco and elsewhere. He said that next is Lieutenant Timothy Thorsen, the Commanding Officer of the Community Relations Unit, whose knowledge of the relations between the police and the Gay and Lesbian Community goes back many years. He said following him is retired Police Sergeant Elliott Blackstone, who has worked as the first liasion to the Gay Community as a police officer when it was still known as the "homosexual community." He also named Pat Norman, whom he identified as a black lesbian who works as Director of the Lesbian and Gay Health Services for the Department of Public Health, who will also give some insight to being a double minority, and then some, as she explains in the film.

Officer Seidler then named other gay persons and said finally that the film will show two San Francisco Police Department officers, Laurel Hall and John Land, who regularly patrol Castro and upper Market Streets in a unique setting of gay and lesbian officers working in a predominantly Gay area.

The film was then shown to the Commissioners and those present and afterwards Officer Seidler said the Department was very fortunate to have Pacificon make this film. He said a film of this size would have run about $2,000 dollars a minute and would have cost somewhere around $40-50,000 if made by a commercial company. The cost to the Department has been nil in that the money itself came from the San Francisco Foundation. He said he would urge that the Commission adopt and accept this film. Commissioner Nelder said he felt it was a very good training film, informative and factual, and will be very helpful to the Department's recruits, and that he would make a motion that it be approved for use at the Academy. It was seconded by Commissioner Daly and unanimously approved.

Commissioner Nelder thereafter said he would commend those persons responsible for putting this film together.

Commissioner Sanchez said that this film is just one phase of training and that basically the present Staff and Supervisory Staff should be cognizant of attitudes and perceptions of incoming recruits and also of field staff toward specific populations and follow it up with a study for a one-year period as far as measurements which can be developed to test attitudes by performance.

Commissioner Murphy in her comments said she felt there was a real fear in certain groups of the Gay Community, or of a suspicion of police officers in that they feel they are subjected to arrest than some other groups. She said she did not feel that everything could be addressed in any one film or presentation like this. She said she felt that this matter should be discussed at greater length and at other times, however, she was willing to vote in favor of this presentation.

Commissioner Toler said that he felt this film would greatly help if all members of the Department are exposed to the knowledge of this Community's way of life which, in itself, is very important.

Commissioner Daly said she felt it was a little difficult to watch it as she attempted to maintain a position of that of a recruit in the academy and of how she would feel about the other police community relations training that goes on. However, she said, she thinks the film clearly focuses on educating and enlightening groups and is a considerable and creditable creation as a communications tool. She said she appreciated the motion to approve its use provided that the final product is what is desired to be accomplished.

Chief Murphy said he was concerened about the title of the film as being the "Promised Land." He said this gives it a Biblical implication and the title should be reconsidered.

After further discussion, Commissioner Sanchez said what the Commission is voting on tonight is the acceptance of the content of the film with final editing, review, including the possibility of looking at the title credits, for instance, the San Francisco Foundation might be mentioned, the San Francisco Police Department also, and how it was mentioned, and some look at the title itself with a view as to a possible revision. He said this would be done in conjunction with the Chief and the staff, which would be pretty much like an editing job, but the Commission, he said, is voting on, basically, the concept which the Commission has reviewed this evening as being acceptable.

RESOLUTION NO. 804-83

RESOLVED, that the Police Commission hereby approves the proposed Gay Awareness Training Film as presented to the Police Commission with a proposed amendment to the title "The Promised Land."

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

CHIEF'S REPORT TO THE POLICE COMMISSION

Commissioner Sanchez said that he had been asked by a number of people in the press over the past weekend for information pertaining to the testing process, particularly to the Sergeant and Assistant Inspector tests. Evidently the Chief had made some comments, including dissemination of an Information Bulletin which has been circulated throughout the Department, and he requested that the Chief share with the Commission what those comments are and the justification for them. He continued by saying that evidently there has been some controversy in the past week and some statements made by the Department requesting a cutoff score of 70% rather than 50% variable and he wondered what, in fact, the Department's recommendation really is.

Chief Murphy replied that he wrote a letter to John Walsh, the General Manager of Civil Service, and its subject was the recent testing of the Sergeants and Assistant Inspectors' Civil Service Examinations. He said it had been recommended to the Civil Service Commission that the cutoff scores for those two examinations be 50% and 55% respectively; and at that level there would be no adverse impact on the protected classes.

He said there was a lot of concern about those cutoff scores which would have eliminated only 24 officers. He said he felt that the only way to maintain the credibility of the examination process and to maintain the credibility of the Department's ability to administer a fair and impartial promotional examination the cutoff score should be 70%. He said that at 70% there probably would be adverse impact on the people involved in the process.

He said this recommendation, and it is his personal recommendation to the Civil Service Commission which will be heard on August 1, 1983, and the Consent Decree will still make its recommendation for a 50% and 55% cutoff score. He said if the cutoff score is adopted at 70%, then adverse impact will certainly accrue and the City will have to then prove the validity of the test. He said the Department does not feel that there is a problem with the validity of the examination and from that point, it will ultimately be decided by Judge Peckham in the Federal Court.

The Chief further stated: "My recommendation is based on the history of cutoff scores for the past four sergeants' examinations in the Department, all of those examinations were at 70%. I think that is a fair minimum, and if you are looking for a rationale behind it you are looking at decisions that will be made by the Supervisors in the future. I would prefer to have a supervisor who would make 70% correct decisions rather than 50%, but besides all of that it is fair."

Commissioner Toler: "I agree with you on the 70%, but I think that in the past we have had the score come because of race, and for whatever reason, as everyone seems to be looking at the adverse impact. And I agree, historically speaking, 70% has always been the cutoff for most tests I have known. Things have been changed recently where they have been raised and all I have to say is that it should be consistent throughout."

Commissioner Sanchez: "I do appreciate your comments on it. I have been out of town and when I heard there were comments made, we wanted to make a statement and find out if the Commission should take any action or non-action and I just wanted to find out what in fact the reason for your recommendation, as the Chief of Police, although, evidently, we or you, individually would not have any so-called final decision as far as the Civil Service Commission goes or the Court. I mean I just want to set this record straight, also, if I might, and that is the fact that this Commission, what was it, over six months ago, sat and listened to testimony and made comments and recommendations specifically using the same rationale you did this evening, articulating the same thing saying historically the baseline should be 70% and in the case of the Lieutenant's Examination, there was the whole case of content and validity which we don't want to go into, we took a vote as a Commission in public and sent a letter to the Civil Service Commission asking them to reconsider the cutoff of 79.2% and use the 70%. We received a response saying we were denied, that basically our recommendation would not be considered because we had no say, in essence, with the process and now I hear that basically people are asking what in fact is the Commission going to do when, in fact, we did it six months ago for the Lieutenant's Examination, saying we feel the baseline of 70%, this way others could participate in Phase II, now we hear they are going to drop supposedly to 50% which is the Consent Decree's recommendation which is part of our unit, I guess from the courts and it just makes a mockery of the whole process.

"All I wanted to say, and I want to share it with the Commission, is that, historically and consistently, this Commission, I feel, will continue to recommend the 70% cut-off whether it be for the Lieutenant's Examination, whether it be for the Sergeants' Examination or the Assistant Inspectors' Examination, but that is a decision that Civil Service has to make along with the Federal Court, we will certainly support your recommendation on that, I feel, and as I said, we have been consistent on it and will continue to be consistent on it because we cannot have a two-class Police Department. We have to have standards that are uniform to insure that we maintain the highest quality of law enforcement services in the City and that means we would definitely support your recommendation."

Chief Murphy: "I appreciate your supporting my recommendation but what we have to look at in the Lieutenants' test, we were able to go up to a higher percentage passing score without any adverse impact and if we can do that and maintain quality, we have to do that."

Commissioner Sanchez: "Yes, well, Chief, I agree with you but at the same time if there is going to be a variance on one there could be some justification on the other side, well, why not lower it x-number of degrees and basically we said just hold it 70% across the line, this is how it's been used and Phase II, or whatever, could eliminate some that are not prepared because we only want one standard officer in the City, and you articulated that this Commission has articulated that and all of our organizations have articulated that. We want the finest and most competent and the highest degree of leadership and we assume we will get that. And if it is a question of perhaps re-examining test content as used, or saying in fact they are invalid, which some people may not, all we are saying is given the historical pattern, given our worksheet, given our nature of testing process procedure, we would certainly support your letter to the Civil Service Commission to consider a cutoff of 70% as we have done with the Lieutenants' Examination although we were denied that option in their consideration."

Chief Murphy: "Would you communicate that to the Civil Service Commission?"

Commissioner Sanchez: "If this is the wish of the Commission, we can certainly do it."

Commissioner Toler: "I so move."

Commissioner Murphy: "Second."

Commissioner Sanchez: "All in favor?" (unanimous ayes)

REQUEST OF POLICE OFFICER MICHAEL HUGHES, MUNI TRANSIT DIVISION, FOR PERMISSION TO TAKE A LEAVE OF ABSENCE WITHOUT PAY FOR A PERIOD OF SIXTY (60) DAYS FROM JULY 24, 1983. (PENDING HIS HEARING BEFORE THE POLICE COMMISSION - CONTINUED FROM JULY 13, 1983

RESOLUTION NO. 798-83

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - APPROVED

WHEREAS, Police Officer Michael Hughes, MUNI Transit Division, was suspended without pay effective Thursday, July 22, 1982 at 1700 hours, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Michael Hughes, MUNI Transit Division, has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Michael Hughes, MUNI Transit Division, be placed on a Leave of Absence Without Pay at his request for a period of sixty (60) days commencing on Sunday, July 24, 1983 to Wednesday, September 21, 1983, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

PUBLIC HEARING REGARDING DEPARTMENT GENERAL ORDER NO. O-5, "DEPARTMENT AWARDS"

Continued to August 3, 1983.

PUBLIC HEARING REGARDING DEPARTMENT GENERAL ORDER NO. P-6 "CONSENT DECREE UNIT"

Continuned to August 3, 1983.

PUBLIC HEARING REGARDING DEPARTMENT GENERAL ORDER NO. B-3, "EQUIPMENT"

Continued to August 17, 1983 - Meet and Confer.

PUBLIC HEARING REGARDING DEPARTMENT GENERAL ORDER NO. T-1 "SECONDARY EMPLOYMENT"

Continued to August 17, 1983 - Meet and Confer.

PUBLIC HEARING REGARDING DEPARTMENT GENERAL ORDER D-4 "ALCOHOL/DRUG ABUSE BY MEMBERS"

Continued to August 17, 1983 - Meet and Confer.

RECOMMENDATION OF THE CHIEF OF POLICE THAT MR. YUNG TO'S APPLICATION TO OPERATE A JITNEY BUS ON THE THIRD STREET JITNEY BUS ROUTE BE DENIED (CONTINUED FROM JUNE 22, 1983)

Officer Lamont Suslow of the Department's Permit Section approached the Commission and after ascertaining that Mr. Yung To was not present stated that the Department recommends that Mr. Yung To be denied permit as a result of his failure to file an application pursuant to the Commission's Resolution of March 1983, authorizing the allowance for permits on the Third Street Jitney Bus Route. He said this unit had sent Mr. To several notices, Return Receipt Requested, and he has failed to appear. Commissioner Toler then made a motion to accept the Department's recommendation to deny Mr. To a Jitney Bus Permit for the Third Street Route. Commissioner Daly seconded it and it was unanimously approved.

RESOLUTION NO. 808-84

APPLICATION FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF JITNEYS ON THIRD STREET - DENIED

WHEREAS, Mr. Young To was granted a permit to operate a Jitney bus on the Third Street Route in Police Commission Resolution No. 155-83; and

WHEREAS, the matter came on before the Chief of Police for a Chief's hearing on May 31, 1983 and it was found that Mr. Young To has failed to reply to the Department's request to complete the necessary application forms and it was recommended that the Commission deny Mr. Yung To's request to operate a Jitney bus on the Third Street Route; and

WHEREAS, the matter came for hearing before the Police Commission of the City and County of San Francisco on July 20, 1983 wherein Mr. Yung To did not appear to offer testimony as to why his request for a Jitney bus permit should or should not be granted; and

WHEREAS, it was pointed out to the Police Commission that at the Chief's hearing, Mr. Yung To had failed to reply to the Department's request to complete the necessary application forms and had therefore recommended denial of his request to operate a Jitney bus; therefore be it

RESOLVED, that it is the order of the Police Commission that Mr. Yung To's request for a Jitney bus permit to operate a Jitney bus on the Third Street Route, be, and the same is hereby denied.

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION CONSIDER AN APPLICATION FORM MR. HARVEY LEW TO OPERATE A JITNEY BUS ON THE THIRD STREET JITNEY BUS ROUTE USING A 21-PASSENGER MERCEDES VAN (OFF CALENDAR, CONTINUED TWO WEEKS)

Commissioner Sanchez said that because of pending legislation at the Board of Supervisors regarding size and passenger capacity of Jitney buses, he would suggest that this matter be held off calendar until the Commission can be apprised of the outcome of this legislation. Commissioner Murphy moved that it be held off calendar, and it was seconded by Commissioner Nelder and unanimously approved.

RECOMMENDATION OF THE CHIEF OF POLICE THAT MR. EDWARD L. JUNG'S APPLICATION TO OPERATE A JITNEY BUS ON THE THIRD STREET JITNEY BUS ROUTE BE DENIED (CONTINUED TWO WEEKS TO AUGUST 3, 1983)

Officer Suslow said that the Department is recommending that denial because Mr. Jung already has a vehicle-for-hire permit and pursuant to the provision s of Proposition K, Section 2(b), no more than one permit shall be issued to one person. He said Mr. Jung is present tonight and would like to speak in regard to this.

Mr. Jung approached the Commissioners and said that his attorney is no longer in his office and he has not been able to get in touch with him. He said he would like a continuance until at such time he is able to get in touch with him.

Commissioner Nelder then moved for a two week continuance, Commissioner Daly seconded and it was unanimously approved.

RECOMMENDATION OF THE CHIEF OF POLICE THAT MS. CANDACE NAKAGOSHI'S APPLICATION TO OPERATE A JITNEY BUS ON THE THIRD STREET JITNEY BUS ROUTE BE DENIED

Officer Suslow said this matter was similar to Mr. Yung To's, and the Department is recommending the Commission take the same action. Commission Toler said he would so move, Commissioner Daly seconded and it was unanimously approved.

RESOLUTION NO. 809-83

APPLICATION FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF JITNEYS ON THE THIRD STREET ROUTE - DENIED

WHEREAS, Ms. Candace Nakagoshi was granted a permit to operate a Jitney bus on the Third Street Route in Police Commission Resolution No. 155-83; and

WHEREAS, the matter came on before the Chief of Police for a Chief's hearing on May 31, 1983, and it was found that Ms. Candace Nakagoshi has failed to reply to the Department's request to complete the necessary application forms and it was recommended that the Commission deny Ms. Nakagoshi's request to operate a Jitney bus on the Third Street Route; and

WHEREAS, the matter came on before the meeting of the Police Commission of the City and County of San Francisco on July 20, 1983, wherein Ms. Candace Nakagoshi did not appear to offer testimony as to why her request for a Jitney bus permit should or should not be granted; and

WHEREAS, it was pointed out to the Police Commission that at the Chief's hearing, Ms. Nakagoshi had failed to reply to the Department's request to complete the necessary application forms and had therefore recommended denial of her request to operate a Jitney bus; therefore be it

RESOLVED, that it is the order of the Police Commission that Ms. Candace Nakagoshi's request for a Jitney bus permit to operate a Jitney bus on the Third Street Route be, and the same is hereby denied.

AYES: Commissioners Daly, Toler, Murphy, Nelder
Sanchez

STATUS REPORT REGARDING RULES, PROCEDURES AND UNIFORM EQUIPMENT SPECIFICATIONS FOR PATROL SPECIAL OFFICERS. (CONTINUED FROM JULY 13, 1983)

Deputy Chief Shannon said that basically there isn't too much to say about this matter. He said at last year's meeting where the Commission had an in-depth discussion on the possibility of changes in the Rules and Procedures of the Patrol Special Officers it was the decision of the Police Commission at that time that their status should remain the same and that the Department should make some minor modifications to the uniform. He said the minor modifications have now been made and they are not in the new uniform which has a predominant blue stripe down the pants and their hat has a blue band around it and it all has been inspected and is currently in place. The other part, because the Department has not received an opinion, he said, from the City Attorney regarding this matter as to what their status is based on the recent changes in the law regarding Peace Officers' Status, is one he would not be able to report on because the opinion has not been received.

Commissioner Sanchez said that there are a number of people present tonight who wanted to address this subject and they would be permitted to speak.

Mr. Ricardo Caalego, Attorney for the Park Merced Residence Organization, who is now their newly-elected Chairman, said for many years Park Merced advertised as part of the consideration for renters to rent in the complex that there would be police protection and that is the power to arrest. He said in the audience is Mr. Alfred Grenci, a Patrol Special Officer who contracted with Park Merced many years ago as a security police entity that would have the power to arrest in the Park Merced area. He said this had worked very well until July 1st of this year, when the management of Park Merced decided to eliminate Mr. Grenci and his force and substitute an entity known as ABM Security who does not have the power to arrest nor do they have the sanction of this Police Commission. He said it is their position that it is not only a breach of the contract between the renters of Park Merced who rely in part at least on this police protection but it is also a very dangerous situation that needs to be remedied immediately because there was an increase in crime in Park Merced as of July 1, 1983, when ABM came in without the power of arrest. He said the issue is that the Police Commission should take a stand and state to the management of Park Merced that what they are doing is in violation of the rules that apply to that kind of situation that the Police Commission has to sanction the entity that is there and that entity must be an entity with enough lawful authority to make an arrest.

Other speakers on the issue were Officer Wasil Rolovich in charge of Patrol Special Officer Affairs, Mr. Louis Gianni, Attorney for Patrol Special Officer Alfred Grenci, and Surgal Canifan, Patrol Special at Northern Station. The Commission then continued the matter until at such time the Department's Legal Office can answer in writing such questions as to what procedures to follow.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT AN AMENDMENT TO THE MUNICIPAL CODE (POLICE CODE) BY ADDING ARTICLE 37, REGULATING EMERGENCY ALARM SYSTEMS AND PRESCRIBING PENALTIES FOR VIOLATION OF THIS ARTICLE. (CONTINUED FROM JULY 6, 1983)

Captain Frank Jordan, stated in his addresss to the Commission that this had been tabled two weeks ago by the Commission so that a discussion could be held on some of the issues raised two weeks ago at the last meeting. He said they met with all concerned and has now come up with what he believed to be, hopefully, a workable solution that would be satisfactory to all parties. He said he would like to amend the original proposal to go to two warnings rather than the one warning as it was originally proposed in the first ordinance. Commissioner Nelder said he would so move. It was seconded by Commissioner Murphy and then unanimously approved.

RESOLUTION NO. 810-83

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT AN AMENDMENT TO THE MUNICIPAL CODE (POLICE CODE) BY ADDING ARTICLE 37, REGULATING EMERGENCY ALARM SYSTEMS AND PRESCRIBING PENALTIES FOR VIOLATION OF THIS ARTICLE - APPROVED

WHEREAS, the Police Department has determined that the vast majority of emergency alarms to which officers respond are false alarms; and

WHEREAS, an ordinance which would encourage property owners and alarm companies to properly use and maintain their systems, will reduce the number of false alarms; and

WHEREAS, a reduction in the number of false alarms will allow police to respond more rapidly to actual emergencies; and

WHEREAS, the public, alarm companies, and the police department will not be burdened with permit or license requirements; therefore be it

RESOLVED, that the Honorable Police Commission requests the Board of Supervisors to amend the Municipal Code (Police Code) by adding Article 37, thereto regulating emergency alarm systems.

AYES: Commissioners Daly, Toler, Nelder, Murphy
Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER CLINT LOCY, INGLESIDE STATION

RESOLUTION NO. 816-83

POLICE OFFICER CLINT LOCY, INGLESIDE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Clint Locy, Ingleside Station, as follows:

SPECIFICATION NO. 1

Failure to prevent crime (violation of Rule A-1 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the Department and which tends to subvert the good order, efficiency or discipline of the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Clint Locy, Ingleside Station, is set for Wednesday, July 27, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST PATROL SPECIAL OFFICER RALPH C. LACEY, CENTRAL STATION

RESOLUTION NO. 817-83

PATROL SPECIAL OFFICER RALPH C. LACEY, CENTRAL POLICE DISTRICT

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Patrol Special Officer Ralph C. Lacey, Central Police District, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the department (violation of Section 2.13 of the Rules and Procedures of Patrol Special Officers' and Assistant Patrol Special Officers' of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Patrol Special Officer Ralph C. Lacey, Central Police District, is set for Wednesday, August 3, 1983, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

REQUEST FOR DISMISSAL OF ALL PENDING CHARGES AGAINST POLICE OFFICER YVONNE HARBOR, AND POLICE OFFICER LAWRENCE GRAY BY THE LAW FIRM OF BLEY AND BLEY (CONTINUED FROM JULY 13, 1983)

HEARING OF POLICE OFFICERS YVONNE D. HARBOR AND LAWRENCE GRAY, POTRERO STATION

HEARING OF THE REQUEST FOR DISMISSAL OF ALL PENDING CHARGES AGAINST POLICE OFFICER YVONNE HARBOR, POTRERO STATION - CONTINUED FROM MEETING OF JULY 13, 1983

The hearing of the request for dismissal of all pending charges against Police Officer Yvonne Harbor by the law firm of Bley and Bley Inc. was called it having been continued to this date.

Officer Yvonne Harbor appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Akins, in response to the motion of Bley and Bley for dismissal of charges.

The Commission took the matter under consideration after which the following resolution was adopted:

RESOLUTION NO. 811-83

DECISION - REQUEST FOR DISMISSAL OF ALL PENDING CHARGES AGAINST POLICE OFFICER YVONNE HARBOR, POTRERO STATION

WHEREAS, on May 3, 1983, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Officer Harbor as follows:

SPECIFICATION NO. 1

(a) At all times herein mentioned, Yvonne L. Harbor Star No. 940, was and is a police officer employed by the San Francisco Police Department and assigned to Potrero Station (Company C);

(b) As a police officer, Officer Harbor (hereinafter, the accused), was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(c) On April 7, 1981, the accused was on duty and assigned to patrol duty with Officer Lawrence A. Gray, Star No. 267, in the 0700 - 1500 watch;

(d) At or about 1300 hours on April 7, 1981, the accused and Officer Gray responded to a bank at 5048 Third Street in San Francisco regarding a report of two male suspects attempting to pass stolen checks;

(e) The two suspects were subsequently arrested, handcuffed together, and transported by the accused and Officer Gray to Potrero Station;

(f) Upon arrival at Potrero Station, the suspects were placed on a bench in the station's booking area;

(g) The accused and Officer Gray then left the booking area;

(h) A short time later, the accused returned to the booking area and without lawful justification or excuse slapped one of the suspects in the face;

(i) By using unnecessary force in slapping the suspect in the face without lawful justification or excuse, the accused engaged in conduct which reflects discredit upon the department and which constitutes a violation of Rule 2.13 of the Rules and Procedures of the San Francisco Police Department, which states that:

"Any breach of the peace, neglect of duty, misconduct, or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficerlike conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(a) Each and every allegation continued in paragraphs (a) through (h) of Specification No. 1 is hereby incorporated by reference as though each were fully set forth herein;

(b) The two suspects were subsequently unhandcuffed and the suspect who had previously been slapped was placed in a cell;

(c) The accused and Officer Gray subsequently entered the cell, at which time the accused used unnecessary force in that, without lawful justification or excuse, she struck the suspect;

(d) By using unnecessary force in striking the suspect without lawful justification or excuse, she accused engaged in conduct which reflects discredit upon the department and which constitutes a violation of Rule 2.13 of the Rules and Procedures of the San Francisco Police Department which states that:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing of the request for dismissal of all pending charges against Police Officer Yvonne Harbor by the law firm of Bley and Bley, Inc. was held on Wednesday, July 13, 1983 and on Wednesday, July 30, 1983 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that said motion "Notice of Motion to Dismiss All Charges, Memorandum of Points and Authorities and Declarations of Yvonne Harbor and Lawrence Gray," is sustained by the evidence presented at the hearing; therefore be it.

RESOLVED, that it is the order of the Police Commission that the Notice of Motion and Motion to Dismiss All Charges, Memorandum and Points and Authorities and Declarations of Yvonne Harbor and Lawrence Gray is approved; and be it further

RESOLVED, that it is the order of the Police Commission that all pending charges against Police Officer Yvonne Harbor, be, and the same are hereby dismissed.

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

HEARING OF THE REQUEST FOR DISMISSAL OF ALL PENDING CHARGES AGAINST POLICE OFFICER LAWRENCE GRAY, POTRERO STATION - CONTINUED FROM MEETING OF JULY 13, 1984

The hearing of the request for dismissal of all pending charges against Police Officer Lawrence Gray, Potrero Station, by the law firm of Bley and Bley, Inc. was called it having been continued to this date.

Officer Lawrence Gray appeared in person and was represented by Ms. Janice Musante, Attorney at Law.

Mr. Jerry Akins, attorney at law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Akins, in response to the motion of Bley and Bley for dismissal of charges.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 807-83

DECISION - REQUEST FOR DISMISSAL OF ALL PENDING CHARGES AGAINST POLICE OFFICER LAWRENCE GRAY, POTRERO STATION

WHEREAS, on May 3, 1983, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Officer Gray as follows:

SPECIFICATION NO. 1

(a) At all times herein mentioned, Officer Gray Star No. 267, was and is a police officer employed by the San Francisco Police Department and assigned to Potrero Station (Company C);

(b) As a police officer, Officer Gray (hereinafter, the accused) was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(c) On April 7, 1981, the accused was on duty and assigned to patrol duty with Officer Yvonne L. Harbor, Star No. 940, in the 0700 - 1500 watch;

(d) At or about 1300 hours on April 7, 1981, the accused and Officer Harbor responded to a bank at 5048 Third Street in San Francisco regarding a report of two male suspects attempting to pass stolen checks;

(e) The two suspects were subsequently arrested, handcuffed together, and transported by the accused and Officer Harbor to Potrero Station (Company C);

(f) Upon arrival at Potrero Station (Company C), the suspects were placed on a bench in the station's booking area;

(g) One suspect was subsequently placed in a station cell;

(h) The accused and Officer Harbor subsequently entered the cell in which the suspect was placed, at which time the accused, without lawful justification or excuse, used unnecessary force and struck the suspect;

(i) By using unnecessary force and striking the suspect without lawful justification or excuse, the accused engaged in conduct which reflects discredit upon the department and which constitutes a violation of Rule 2.13 of the Rules and Procedures of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct, triable and punishable by the Board."

and

WHEREAS, a hearing of the request for dismissal of all pending charges against Police Officer Lawrence Gray by the law firm of Bley and Bley, Inc. was held on Wednesday, July 13, 1983, and on Wednesday, July 13, 1983, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that said motion "Notice of Motion to Dismiss All Charges, Memorandum of Points and Authorities and Declarations of Yvonne Harbor and Lawrence Gray," is sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that the Notice of Motion and Motion to Dismiss all Charges, Memorandum and points and Authorities and Declarations of Yvonne Harbor and Lawrence Gray is approved; and be it further

RESOLVED, that it is the order of the Police Commission that all pending charges against Police Officer Lawrence Gray, be, and the same are hereby dismissed.

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

HEARING OF POLICE OFFICER BOB C. DAVIS, MISSION STATION

The hearing of Police Officer Bob C. Davis, Mission Station, was called it having been set for this date, Police Officer Bob C. Davis was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to prevent crime (violation of Rule A-1 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the department and which tends to subvert the good order, efficiency or discipline of the department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Bob C. Davis appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the Police Department.

An opening statement was made by Mr. Jerry Akins, requesting an amendment to the charges on Page 2, Specification No. 1, line 16, Section (g) deleting the words "head and" on line 22, a violation of Section 673 of the Penal Code, instead of Sections 147 and 149.

Mr. Akins then read into the record Section 673 of the Penal Code.

Mr. Stephen Bruce Bley, attorney for Officer Davis, changed Officer Davis' plea from Not Guilty to Guilty to the amended charges, requesting to thereafter make a statement on behalf of Officer Davis.

In putting on his case in chief, an opening statement was made by Mr. Akins.

The following named witness appeared for the Prosecution, was sworn and testified:

Sergeant Victor Rykoff
Internal Affairs Bureau

An opening statement was made by Mr. Stephen Bruce Bley.

The Police Commission accepted a plea of guilty on behalf of Officer Bob C. Davis.

Closing statements were made by both the Prosecuting and Defense Attorneys.

The Chief of Police then recommended that Officer Davis be given a suspension of sixty (60) days with thirty (30) days of said suspension held in abeyance.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO 814-83

DECISION - HEARING OF OFFICER BOB C. DAVIS, MISSION STATION

WHEREAS, on September 3, 1982, Acting Chief of Police George Eimil made and served charges against Police Officer Bob C. Davis, as follows:

SPECIFICATION NO. 1

(a) At all times herein mentioned, Bob C. Davis was a police officer employed by the San Francisco Police Department and assigned to Mission Station;

(b) As a police officer, Officer Davis (hereinafter, the accused) was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(c) On or about April 18, 1982, the accused was on duty and working the 1900 to 0300 hours shift at Mission Station;

(d) At or about 2319 hours on April 18, 1982, a citizen was booked at Mission Station for violation of California Penal Code Section 647f (drunk in a public place);

(e) After booking, the citizen was placed in a Mission Station holding cell;

(f) While in the holding cell, the citizen shouted foul names at the accused each time the accused brought in or removed a prisoner from the holding cell;

*(g) At one point, the accused entered the holding cell and struck the citizen with his club about the body several times;

*(Amended at the Commission Meeting of July 20, 1983)

(h) Because of injuries the citizen received when struck by the accused, the citizen was subsequently examined and treated at Mission Emergency Hospital;

*(i) The force used upon the citizen by the accused was unnecessary and constituted violation of Section 673 of the California Penal Code, which states:

"It shall be unlawful to use in the reformatories institutions, jail, state hospitals or any other state, county, or city institution any cruel, corporal or unusual punishment or to inflict any treatment or allow any lack of care whatever which would injure or impair the health of the prisoner, inmate or person confined; and punishment by the use of the strait jacket, gag, thumbscrew, shower bath or the tricing up of a prisoner, inmate or person confined is hereby prohibited. Any person who violates the provisions of this section or who aids, abets, or attempts in any way to contribute to the violation of this section shall be guilty of a misdemeanor."

(j) By failing to prevent crime, the accused violated Rule A-1 of General Order D-1 of the San Francisco Police Department, which states:

"The basic mission of the Police Department and of all of its members is to protect life and property, to preserve the peace, to prevent crime, to enforce criminal laws and ordinances, and to regulate non-criminal conduct as provided by law or by ordinance. Members shall, while on duty, devote their entire time to the achievement of this mission within the context of their respective assignments."

SPECIFICATION NO. 2

(a) Each and every allegation contained in paragraphs (a) through (i) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;

(b) By failing to prevent crime, the accused engaged in conduct which reflects discredit upon the department and which tends to subvert the the good order, efficiency or discipline of the department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficerlike conduct triable and punishable by the Board."

(* Amended at the Commission Meeting of July 20, 1983)

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, July 20, 1983 and on Wednesday, July 20, 1983 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Bob C. Davis as contained in Specification No. 1, Rule A-1 of General Order D-1 and Specification No. 2, Rule A-9 of General Order D-1 of the San Francisco Police Department are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Bob C. Davis, Mission Station, has violated Specification No. 1, Rule A-1 of General Order D-1 and Specification No. 2, Rule A-9 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violations Police Officer Bob C. Davis, Mission Station, shall be suspended for ninety (90) calendar days, twenty (20) of which shall not be imposed on condition that Officer Davis be suspended for seventy (70) calendar days without pay commencing on Wednesday, July 27, 1983 at 0001 hours and terminating on Tuesday, October 4, 1983 at 2400 hours, and further, Officer Davis shall satisfactorily complete a one-year period of participation in the Police Department's Stress Program and upon satisfactory completion the twenty (20) days suspension held in abeyance shall be dismissed.

AYES: Commissioners Daly, Toler, Nelder, Murphy
Sanchez

HEARING OF POLICE OFFICER ALEX TROY WILLIAMS, SUPPORT SERVICES BUREAU

The hearing of Police Officer Alex Troy Williams, Support Services Bureau, was called it having been set for this date. Police Officer Williams was charged with violating the Rules and PRocedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Alex Troy Williams appeared in person and was represented by Mr. Paul Chignell, Vice President of the San Francisco Police Officers' Association.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Attorney Akins.

Mr. Paul Chignell entered a plea of guilty to both Specification No. 1 and Specification No. 2 on behalf of Officer Williams.

The following-named witnesses appeared for the Defense, were sworn, and testified:

Police Officer Alex Troy Williams
Police Garage

Lt. James F. Martinez
Northern Station

A closing statement was made by Mr. Chignell.

A closing statement was not made by Attorney Akins.

The Chief of Police Cornelius P. Murphy recommended a suspension of ninety (90) days, to be suspended, with probation to equal that of the Municipal Court.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 815-83

DECISION - HEARING OF POLICE OFFICER ALEX TROY WILLIAMS, SUPPORT SERVICES BUREAU

WHEREAS, on May 2, 1983, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Alex Troy Williams as follows:

SPECIFICATION NO. 1

(a) At all times herein mentioned, Alex Troy Williams, Star No 653 (hereinafter referred to as "the accused") was, and is, a police officer employed by the San Francisco Police Department, appointed June 26, 1978;

(b) As a police officer, the accused was and is responsible for knowing and obeying the rules, procedures and orders of the San Francisco Police Department;

(c) Commencing February 2, 1982 through May 10, 1982, the accused was involved in domestic violence disputes with his wife on four separate occasions which necessitated the intervention by officers from the police department of the City of Pacifica, State of California.

(d) The conduct of the accused in engaging in acts of domestic violence necessitating the intervention of the Pacifica Police Department constitutes misconduct which reflects discredit upon the San Francisco Police Department constituting a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct, triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, July 20, 1983, and on Wednesday, July 20, 1983 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Alex Troy Williams as contained in Specification No. 1, violation of Rule A-9 of General Order D-1 and Specification No. 2, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Alex Troy Williams has violated Specification NO. 1, Rule A-9 of General Order D-1 and Specificaion No. 2, Rule A-9 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violations Police Officer Alex Troy Williams, Support Services Bureau, shall be suspended for ninety (90) days, which shall be held in abeyance on the condition that Officer Williams comply closely with the recommendation of a psychiatric therapist, and further that Officer Williams shall satisfactorily complete a three-year period of probation and upon satisfacotry completion the ninety (90) days held in abeyance shall be dismissed.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

THE MEETING THEN ADJOURNED AT 10:15 P.M.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

27 JULY 1983 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice at 1730 hours on Wednesday, July 27, 1983 in Regular Session.

PRESENT: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

Commissioner Sanchez presiding.

STATUS REPORT OF OFFICER JEFFREY WILLIAMS, MISSION STATION

RESOLUTION NO. 812-83

STATUS REPORT IN THE MATTER OF POLICE OFFICER JEFFREY WILLIAMS, MISSION STATION

WHEREAS, the status report in the matter of Police Officer Jeffrey Williams, Mission Station, was called it having been set for this date; and

WHEREAS, it was requested by Officer Willians, that the matter be continued until August 10, 1983; therefore be it

RESOLVED, that the date for the status report in the matter of Officer Jeffrey Williams, Mission Station, is set for Wednesday, August 10, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

STATUS REPORT IN THE MATTER OF POLICE OFFICER JEFFREY WILLIAMS, MISSION STATION

RESOLUTION NO. 813-83

STATUS REPORT IN THE MATTER OF POLICE OFFICER JEFFREY WILLIAMS, MISSION STATION

WHEREAS, the status report in the matter of Police Officer Jeffrey Williams, Mission Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Officer Williams, that the matter be continued to August 10, 1983; therefore be it

RESOLVED, that the date for the status report in the matter of Officer Jeffrey Williams, Mission Station, is set for Wednesday, August 10, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

STATUS REPORT IN THE MATTER OF POLICE OFFICER MARK SOLOMON, RECORDS ROOM

RESOLUTION NO. 831-83

STATUS REPORT IN THE MATTER OF POLICE OFFICER MARK SOLOMON, RECORDS ROOM

WHEREAS, the status report in the matter of Police Officer Mark Solomon, Records Room, was called it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, attorney for Officer Solomon, requested a continuation in this matter to August 10, 1983; therefore be it

RESOLVED, that the date for the Status Report in the matter of the disciplinary charges filed against Police Officer Mark Solomon, Records Room, is set for Wednesday, August 10, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

REQUEST FOR LEAVE OF ABSENCE - OFFICER CLINT LOCY, INGLESIDE STATION

RESOLUTION NO. 837-83

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - APPROVED

WHEREAS, Police Officer Clint Locy, Ingleside Station, was suspended without pay effective June 28, 1983 at 0930 hours, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Clint Locy, Ingleside Station, has requested a Leave of Absence Without Pay pending hearing of the charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Clint Locy, Ingleside Station, be placed on Leave of Absence Without Pay at his request for a period of sixty (60) days commencing Wednesday, July 27, 1983, until September 24, 1983, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

SETTING OF DATE FOR HEARING OF POLICE OFFICER CLINT LOCY, INGLESIDE STATION

RESOLUTION NO. 832-A-83

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Clint Locy, Ingleside Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney for the San Francisco Police Department, that the date for the setting of the hearing before the Police Commission be set for Wednesday, August 31, 1983; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Clint Locy, Ingleside Station, is set for Wednesday, August 10, 1983, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez said he had a few comments to make regarding the deplorable events that took place this morning at the Potrero Hill Health Center where two persons were killed and two others were very seriously injured. He said, "I just wanted to state for the record as we have a number of outstanding men and women in blue, we all also have outstanding physicians who have served this community in many areas for many decades. There was a physician by the name of Dr. Bob Ross, who has been a colleague of mine at the University of California Family Community Medicine who has been running the Clinic, including coordination of a residence and teaching staff for a number of years and he was one of the people killed this morning along with one of the younger faculty members who was shot and is now, thankfully, in good condition at San Francisco General Hospital. His name is Dr. Peter McConon. It just shows that violence has no boundaries and whatever the situation, the fact is that basically, the City has lost two human beings who have made unique contributions to the City, especially a physician who

has spent many, many hours of service working with children in the Potrero Hill Community, demonstrating excellence in health care for the Hill."

He went on to say he just wanted to share that with his colleagues, the tragic situation occurring today and note it for the record. He said the Commission, when it adjourns tonight's meeting, will do so in memory of those persons who were killed today.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Shannon reminded the Commissioners that at their meeting of last week they set a Meet and Confer session with the San Francisco Police Officers' Assoc. for August 17, 1983, regarding several general orders.

He said at that time he had assumed that Commander Trueb would be available to represent the Department because he (Shannon) was going to be on vacation. Chief Shannon said he was now been informed that Commander Trueb would also not be available for that date so he would request that the matter be continued as he is meeting with the San Francisco Police Officers' Association tomorrow and at that time will ascertain a new date for the Commission to consider at next week's Commission meeting.

Commissioner Nelder moved approval of this rescheduling.

Commissioner Daly seconded and it was unanimously approved.

Chief Murphy said he had an additional item and that was regarding a meeting held today with the Public Utilities Commission, the Muni Railway and the Police and Fire Departments concerning traffic in the downtown area. He said he felt that as a result of this meeting and because of the problems in the downtown area he will be assigning a number of police officers and/or parking controllers to alleviate the congestion in the downtown area late next week which will continue throughout until construction in that area passes north of California Street. He said at the present time there are seven officers assigned and some activity directed toward the intersections that were previously closed and there was really no necessity for having them closed and some were thereafter opened up and it relieved some of the congestion. He said that what they would be forming, in effect, would be a mini-traffic company for the duration of the congestion at least until it moves north of California Street.

Commissioner Daly said she would like to make a comment on a matter that the entire country has taken note of and that is the fact that the San Francisco Police Department has a couple of alert officers who were patrolling a parking lot and managed to find two suspected murderers. She said she felt that this was excellent police work and a real attention to duty. She said she certainly hoped that those officers are considered for awards, although it may seem simple, it would have been easy for them to drive by a couple of youngsters in a car in a parking lot, but they had the wherewithall to stop them and check them out and find license plates within the car, revealing their connection to the incident, and it has been a service to the people in the Midwest and has brought the Department in San Francisco national attention. She said she felt she was speaking for all the Commissioners in that their work is really appreciated.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION APPROVE THE REQUEST TO MR. MIGUEL HERNANDEZ FOR AN INCREASE IN THE PASSENGER CAPACITY OF HIS JITNEY BUS PERMIT FROM TWELVE (12) PASSENGERS TO FIFTEEN (15) PASSENGERS

Chief Murphy said he would recommend that this item be approved, but that he would like it kept in mind that the next time when everyone comes up and says that there is no business on the Mission Street Jitney bus route that these many requests for increase of passenger capacity should be strongly considered by the Commission in its deliberations as to whether to issue more Jitney bus permits for that route.

RESOLUTION NO. 833-83

REQUEST OF MR. MIGUEL HERNANDEZ FOR PERMISSION TO INCREASE THE PASSENGER CAPACITY OF HIS JITNEY BUS FROM TWELVE (12) TO FIFTEEN (15) PASSENGERS - APPROVED

WHEREAS, Mr. Miguel Hernandez requested by letter a hearing before the Police Commission for permission to increase his passenger capacity from twelve (12) passengers to fifteen (15) passengers; and

WHEREAS, the Police Commission, after hearing a favorable report from the Police Department's Permit Bureau regarding Mr. Miguel Hernandez' capability of increasing his passenger capacity and of having purchased the appropriate amount of insurance to cover such increase, approves Mr. Hernandez' request; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Mr. Miguel Hernandez for permission to increase his Jitney bus passenger capacity from twelve (12) to fifteen (15) passengers be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION APPROVE THE REQUEST OF MR. LOUIS J. PONTI TO SUSPEND OPERATION OF HIS JITNEY BUS PERMIT FROM JULY 1, 1983 TO SEPTEMBER 28, 1983

RESOLUTION NO. 834-83

REQUEST OF MR. LOUIS J. POINTI TO SUSPEND OPERATION OF HIS JITNEY BUS PERMIT FROM JULY 1, 1983 TO SEPTEMBER 28, 1983

WHEREAS, Mr. Louis J. Pointi has requested that permission be granted to suspend operation of his motor vehicle for hire permit from July 1, 1983 to September 28, 1983; and

WHEREAS, Mr. Louis J. Ponti did not appear in person and was not represented by counsel; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Mr. Louis J. Ponti for permission to suspend operation of his motor vehicle for hire permit from July 1, 1983 to September 28, 1983, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECEIPT OF DEPARTMENT GENERAL ORDER R-1, VEHICLE ACCIDENTS INVOLVING MEMBERS (COPIES SENT TO EMPLOYEE ORGANIZATIONS)

Continued one week to August 3, 1983.

DISCUSSION: PRIVATE PATROL VS. PATROL SPECIAL OFFICERS JURISDICTIONAL AUTHORITY FOR THE PROVISION OF PATROL SERVICES IN THE PARK MERCED AREA - (CONTINUED TO AUGUST 10, 1983)

Commissioner Sanchez said that it was his understanding that Staff was going to review the legal ramifications of this item and also bring back some information for the Commission's consideration.

Mr. Michael Gash, Attorney for the San Francisco Police Department's Legal Office, said that the Legal Office would like for this item to be continued for two weeks to allow them to thoroughly research the issue. He said so far they have not had the opportunity to do so.

He said there are certain facts involved concerning the jurisdiction of authorities and they would like to be able to present it to the Commission with a general explanation.

Commissioner Toler said he would move two weeks, and Commissioner Daly said she would second that motion and it was unanimously approved.

HEARING OF POLICE OFFICER DOUGLAS HANSEN, POTRERO STATION

RESOLUTION NO. 836-83

HEARING OF POLICE OFFICER DOUGLAS HANSEN, POTRERO STATION

WHEREAS, the hearing of Officer Douglas Hansen, Potrero Station, was called it having been set for this date; and

WHEREAS, it has been requested by Officer Hansen that the matter be continued to a date after July 31, 1983; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Douglas Hansen, Potrero Station, is continued to September 21, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

HEARING OF POLICE OFFICER DEBORAH FRANKS, CRIMINAL INFORMATION DIVISION

The hearing of Police Officer Deborah Franks, Criminal Information Division, was called it having been set for this date, Police Officer Franks was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to prevent crime while off-duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department):

SPECIFICATION NO. 2

Failure to make a written report of a serious crime which is brought to a member's attention while off-duty (violation of Rule A-26A of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Deborah Franks appeared in person and was represented by Mr. Bernard Gershater, Attorney at Law, and Ms. Judith Brecka, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared as Prosecutor for the Police Department.

An opening statement was made by Attorney Brecka.

An opening statement was made by Attorney Gash.

Charges against Officer Franks were then read into the record.

The following witnesses appeared for the Prosecution, were sworn and testified:

Mr. John Hanavan
3894 Los Cerrios Drive
Lafayatte, California

Officer William T. Thiffault
Potrero Station

Captain Lloyd Crosbie
Park Station

The following witnesses appeared for the Defense, were sworn, and testified:

Elisa Reyes
1895 Lombard Street
San Francisco, California

Officer Deborah Franks
Support Services Bureau
Warrants Section

The following exhibit was entered into evidence by the Defense:

Exhibit A - A diagram of the interior of the Mayflower Bar at 18th and Connecticut Streets.

Closing statements were made by both the Prosecuting and Defense attorneys.

The Chief of Police, Cornelius P. Murphy, recommended a suspended sentence of thirty (30) days and retraining at the Police Academy.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 835-84

DECISION - HEARING OF POLICE OFFICER DEBORAH FRANKS, SUPPORT SERVICES BUREAU, CRIMINAL INFORMATION DIVISION

WHEREAS, on October 14, 1982, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Deborah Franks as follows:

SPECIFICATION NO. 1

(a) At all times herein mentioned, Deborah Franks Star No. 486, was and is a probationary police officer appointed on November 16, 1981, employed by the San Francisco Police Department. Officer Franks was assigned to Park Station at the time of this incident however, she is currently assigned to the Criminal Information Division;

(b) As a police officer, Officer Franks (hereinafter, the accused) was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(c) On September 17, 1982, at or about 2350 hours, the accused while off-duty was involved in a dispute with a citizen at the Mayflower Saloon, located at 1469 18th Street in San Francisco;

(d) During the course of this dispute, the accused picked up a beer bottle from the bar and struck the citizen in the head;

(e) The citizen sustained lacerations to his head, face and around his eyes which required twelve stitches to close;

(f) The California Penal Code makes it a crime for any person to commit an assault upon another person with a deadly weapon or instrument or by any means of force likely to produce great bodily injury;

(g) On October 6, 1982, the accused was arrested and charged with assaulting another person with a deadly weapon or instrument;

(h) As a police officer, the accused has a duty to prevent crime at all times. Notwithstanding this duty, the accused, by striking a citizen over the head with a beer bottle, not only failed to prevent crime, but actually engaged in criminal conduct which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders and protect life and property that are consistent with the officer's ability to take proper action at the time in question."

SPECIFICATION NO. 2

(a) Each and every allegation contained in paragraphs (a) through (h) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;

(b) The accused failed to make a written report to her commanding officer that while off duty she struck a citizen over the head with a beer bottle at the Mayflower Saloon on September 17, 1982;

(c) The accused's failure to make a written report to her commanding officer that she was involved in this incident constitutes a violation of Rule A-26A of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when off-duty, make a written report to their commanding officer of any serious crime or urgent police matter which is brought to their attention or in which the member becomes involved as a peace officer." (emphasis in the original)

SPECIFICATION NO. 3

(a) Each and every allegation contained in paragraphs (a) through (h) of Specification No. 1 and Specification NO. 2, paragraphs (a) through (c) are incorporated by reference as though each were fully set forth herein;

(b) The accused, after striking the citizen with the beer bottle, immediately ran from the Mayflower Saloon and failed to ascertain the seriousness of the injuries she inflicted upon the citizen;

(c) By striking the citizen over the head with a beer bottle, running from the scene of the altercation without determining the extent or seriousness of the injuries inflicted upon the citizen, failing to submit a written report of the incident to her commanding officer and subsequently being arrested for assault with a deadly weapon or instrument, the accused has engaged in conduct which tends to subvert the good order, efficiency or discipline of the department and reflects discredit upon the department, which constitutes a violation of Rule A-O of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficerlike conduct, triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, July 27, 1983 and on Wednesday, July 27, 1983 the matter was submitted to the Police for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Deborah Franks as contained in Specification No. 1, violation of Rule A-2 of General Order D-1 of the San Francisco Police Department are not sustained by the evidence presented in the hearing; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Deborah Franks in Specification No. 3, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department are not sustained by the evidence presented in the hearing; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Deborah Franks in Specification No. 2, violation of Rule A-26A of General Order D-1, Sections (b) and (c) of the San Francisco Police Department are sustained by evidence presented in the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Officer Deborah Franks has violated Specification No.2, Rule A-26A of General Order D-1, Sections (b) and (c) and for said violations she shall be suspended for thirty (30) calendar days which shall be held in abeyance and her commanding officer shall order her to be retrained at the Police Academy for whatever period of time necessary for Officer Franks to review and learn specific police techniques in self-defense.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LINDA PRANSKY, CSR).

THE MEETING WAS ADJOURNED AT 10:40 p.m. IN MEMORY OF DR. BOB ROSS.

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

3 AUGUST 1983 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, August 3, 1983 at 1630 hours in Executive Session.

PRESENT: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

Commissioner Murphy presiding.

1. Attorney-Client Conference

3 AUGUST 1983 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 3, 1983 at 1730 hours in Regular Session.

PRESENT: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

Commissioner Murphy presiding.

SETTING OF DATE FOR HEARING OF PATROL SPECIAL OFFICER RALPH C. LACEY, CENTRAL STATION

RESOLUTION NO. 838-83

WHEREAS, the date to be set for the disciplinary hearing of Patrol Special Officer Ralph C. Lacey, Central Police District, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney for the San Francisco Police Department, that the date for the hearing before the Police Commission be set for September 21, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

HEARING OF POLICE SERGEANT ROBERT DILLON, SUPPORT SERVICES BUREAU - RECORDS ROOM - (CONTINUED)

WHEREAS, the hearing of Sergeant Robert Dillon, Support Services Bureau, Records Room, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Ephraim Margolin, Attorney for Sergeant Robert Dillon, that the matter be continued to September 28, 1983, therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Sergeant Robert Dillon, Support Services Bureau, Records Room, is set for Wednesday, September 28, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

HEARING OF POLICE OFFICER PATRICK O. BURKE, INGLESIDE STATION

RESOLUTION NO. 842-83

HEARING OF POLICE OFFICER PATRICK O. BURKE, INGLESIDE STATION (CONTINUED)

WHEREAS, the hearing of Police Officer Patrick O. Burke, Ingleside Station, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Stephen Bruce Bley, Attorney for Officer Burke, that because of the absence of Captain Jordan of Ingleside Station, that the matter be continued to Wednesday, September 14, 1983, therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Patrick O. Burke, Ingleside Station, is continued to Wednesday, September 14, 1983 at 5:40 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

PRESENTATION OF GRADUATION CERTIFICATES, SPANISH SPEAKING CLASS FOR POLICE OFFICERS

Captain Frank Jordan, appeared before the Commission and stated that this is their second opportunity to present to the Commission a graduation class of basic conversational language and practical language in Spanish for law enforcement purposes.

He said the first class was about six months in duration and finished up the latter part of last year. He said Mrs. Josephine Zarate volunteered her time to teach these classes. He said she works full time for Pacific Gas and Electric Company, and her offices are down at 77 Beale Street, and are available every Thursday night for a two hour class once a week. He said in the first class there were officers from Mission and Ingleside Stations, and MUNI Transit Security. He said there were nine to graduate at the end of the year and Mrs. Zarate volunteered to continue a second class which has also just completed its graduation and they are officers from Potrero Station, Sex Crimes Detail, MUNI Transit, Narcotics Bureau and the Community Services Division. He said of the seven that are graduating, three are on vacation and four are here tonight to receive their certificates. Certificates were then given to the following:

Inspector Michael Tenet	Narcotics
Officer Wendy Parisi	Potrero Station
Sergeant Dennis Gustafson	Community Services
Sergeant Peter Libert	Community Services

Captain Jordan said he now had a surprise award. He said the first time Mrs. Zarate volunteered her services they presented her a certificate of appreciation. He said now that she is doing this for a second time, and she has stated that she is also going to start a third class in the middle of September where she will be dividing her time teaching police officers and firefighters, the Department feels that she should be given a plaque of appreciation for her outstanding dedication service and personal concern and professional expertise in conducting the Spanish Language Course for Law Enforcement Officers. Mrs. Zarate was then given her plaque and applauded by the Commission.

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLATION OF TRAFFIC ON THE PUBLIC STREETS

150 PARKER ST. (GEARY BL) "LITTLE RED SCHOOL HOUSE" REVOKE

At 150 Parket Street, REVOKE 49' White Zone south of the north property line.

1168 SUTTER ST. (FERN ST) "LABORERS FUNDS ADMIN. OFFICE" GRANT

At 85 Fern Street, INSTALL 22' Yellow Zone from 112' to 134' east of Polk on Fern Street.

4621 LINCOLN WY (47th AV) "THE BIKE SHOP" GRANT

At 4621 Lincoln Way, INSTALL 22' Green Zone from the east of property line 22' west.

2291 PINE ST. (FILLMORE ST) "IN-A-FLASH" GRANT

At 2291 Pine Street, INSTALL 22' Green Zone from 18' to 40' east of Fillmore Street.

#2 SECOND AVE. (PRESIDIO) "CONGREGATION EMANU-EL" REVOKE GRANT

At #2 Second Avenue, REVOKE 27' Yellow Zone from 65' to 92' north of Lake Street. INSTALL 12' Red Zone from Dead-End, 12' south, east side (garbage container clearance).

2777 FOLSOM ST. (23rd ST) "E. BOLTER CO., INC." DENY

At 2777 Folsom Street, INSTALL, 18' Yellow Zone north of the south building line.

1154 SUTTER ST. (FERN/LARKIN STS) "SUTTER MEDICAL GROUP" REVOKE

At 51 Fern Street and Larkin Street, REVOKE 22' White Zone of existing 44' White Zone from 154' to 176' east of Polk Street.

2090 JACKSON ST. (LAGUNA ST) "CALIF. HISTORICAL SOCIETY" GRANT

At 2090 Jackson Street, INSTALL 22' White Zone from 18' to 40' east of Laguna Street.

2080 VAN NESS AVE. (JACKSON ST) "CAFE ROYAL" GRANT

At 2080 Van Ness Avenue, INSTALL 18' White Zone from 10' to 28' south of Pacific Avenue on Van Ness Avenue. Sign to be installed on Meter #2080 SPECIAL PASSENGER ZONE, 5 p.m. to Midnight.

75 MISSION ST. (SPEAR ST) U.S. POST OFFICE" REVOKE

At 75 Mission Street, REVOKE 40' White Zone from 60' to 100' east of Spear Street. INSTALL two (2) one hour meters.

569 COMMERCIAL ST. (MONTGOMERY) "STATION J" REVOKE

At 569 Commercial Street, REVOKE 42' White Zone from 6' east of, to 36' west of east line. INSTALL two (2) 30 minute parking meters.

4799 MISSION ST. (RUSSIA ST) "MISSION/RUSSIA LIQUOR" REVOKE

At 4799 Mission Street, REVOKE 22' Yellow Zone from 7' to 29' north of south property line. INSTALL one (1) 30 minute parking meter.

757 BEACH ST. (HYDE ST) "ROLF'S RESTAURANT" REVOKE

At 757 Beach Street, REVOKE 22' White Zone from 18' to 40' west of east building line.

600 BATTERY ST. (JACKSON ST) REVOKE

At 600 Battery Street, REVOKE 60' Yellow Zone from 40' to 100' north of Jackson Street. INSTALL three (3) one hour parking meters.

330 JONES ST. (EDDY ST) REVOKE

At 330 Jones Street, REVOKE 28' Yellow Zone from 5' to 33' south of the north building line. INSTALL one (1) one hour parking meter.

101 SPEAR ST. (MISSION ST) "U.S. POST OFFICE" REVOKE

At 101 Spear Street, REVOKE 193' Yellow Zone from 25' to 218' south of Mission Street. INSTALL one (1) one hour parking meter.

RECOMMENDATION OF THE CITY ATTORNEY OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 844-83

SOPHIE BIRK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sophie Birk against the City and County of San Francisco in the sum of $24,321.74 in Superior Court Action No. 719-012 entitled "Sophie Birk vs. City and County of San Francisco, et al," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 16, 1976

AYES: Commissioners Daly, Murphy, Nelder
ABSENT: Commissioners Sanchez, Toler

RESOLUTION NO. 845-83

EPEFANIO BUMATAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Epefanio Bumatay in the sum of $13,000.00 in Municipal Court Action No. 807-096 entitled "Epefanio Bumatay, et al vs. City and County of San Francisco," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 21, 1979

AYES: Commissioners Daly, Murphy, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 846-83

JOHN CHAPMAN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of John Chapman in the sum of $1,000.00 in Municipal Court Action No. 843-505 entitled "John Chapman vs. City and County of San Francisco, et al," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 18, 1982

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 848-83

ANDREW AVINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrew Avins against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 22, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 849-83

PUYA PAUL KHATAMI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Puya Paul Khatami against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow be, and the same is hereby approved.

Date of Incident: May 31, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 850-83

GEORGE GENTRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George Gentry against the City and County of San Francisco in the sum of $38.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 31, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 851-83

ANDREA FEIT-BRESLOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrea Feit-Breslow against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 31, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 852-83

MORGAN DOYLE, ESQ.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Morgan Doyle, Esq. against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 1, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 853-83

KAREN MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen Miller against the City and County of San Francisco in the sum of $59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 854-83

EDWARD TOMCHIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edward Tomchin against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 2, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 855-83

PATRICK M. K. RICHARDSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick M. K. Richardson against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 1, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 856-83

LOLA C. ELLWEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lola C. Ellwein against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 6, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 857-83

BARBARA CALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara Call against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 858-83

DON AMINI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Don Amini against the City and County of San Francisco in the sum of $46.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 21, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 859-83

KAREN T. CHILES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen T. Chiles against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 15, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 860-83

ROBERT LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Lee against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 21, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 861-83

CATHY L. MAGNI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cathy L. Magni against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 13, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 862-83

DENISE MONTALVO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Denise Montalvo against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 25, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 863-83

N. R. PENOGAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of N. R. Penogar against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 21, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 864-83

RICHARD L. SIMPSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard L. Simpson against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 21, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 865-83

GREGORY T. COLLIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gregory T. Collis against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 30, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 866-83

PATRICIA M. SULLIVAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia M. Sullivan against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 9, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 867-83

RENA D. LOWRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rena D. Lowry against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 27, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 868-83

DOUGLAS D. JASO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Douglas D. Jaso against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 16, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 869-83

MOLLY CORBETT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Molly Corbett against the City and County of San Francisco in the sum of $68.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 27, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 870-83

LYNN SMELKINSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lynn Smelkinson against the City and County of San Francisco in the sum of $48.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 19, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 871-83

DAVID RINGUE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Ringue against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 8, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 872-83

MARK R. SVEHLAK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark R. Svehlak against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 8, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 873-83

YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-op, Inc. against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 874-83

TAYSEIR ORIQAT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tayseir Oriqat against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 19, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 875-83

ROBERT BLACKMORE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Blackmore against the City and County of San Francisco in the sum of $55.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 876-83

MARK STEINBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Steinberg against the City and County of San Francisco in the sum of $68.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 6, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 877-83

JOHN M. LEIGHTY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John M. Leighty against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 27, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 878-83

JOHN POGGENSEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Poggensee against the City and County of San Francisco in the sum of $114.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 879-83

MELVIN JOHN McVEIGH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melvin John McVeigh against the City and County of San Francisco in the sum of $234.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 17, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 880-83

JONES HSU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jones Hsu against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 24, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 881-83

FRANK FORENICICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Forenicich against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 14, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 882-83

JOHN BAKAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Bakas against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 22, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 883-83

LESTER JOHE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lester Johe against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 21, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 884-83

JOHN ALLEN TODD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Allen Todd against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 9, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 885-83

NICHOLAS DUMYK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nicholas Dumyk against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 1, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 886-83

JANOS GREBEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janos Greben against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 20, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 887-83

EIKO AND AMY KWAN DBA AMY'S LIQUORS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eiko and Amy Kwan dba Amy's Liquors, against the City and County of San Francisco in the sum of $294.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 8, 1981

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 888-83

LOUISE GOSHA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Louise Gosha against the City and County of San Francisco in the sum of $38.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 22, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 889-83

DAVID O. MATTICE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David O. Mattice against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 22, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 890-83

LARRIE STAUBITZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Larrie Staubitz against the City and County of San Francisco in the sum of $68.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 891-83

DOUG MURRAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Doug Murray against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 5, 1983

AYES: Commissioners Daly, Nelder, Murphy.
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 892-83

ALLSTATE INSURANCE & J. TURNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Allstate Insurance and J. Turner against the City and County in the sum of $482.81 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 30, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 893-83

YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-op, Inc. against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 14, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 894-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 2, 1983

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLUTION NO. 895-83

RESOLVED, that the Travel Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Sgt. Alan Benner and Fifteen (15) Members of the SFPD Various Units	$4,575.00	(Police Peer Counseling (Training Program (San Francisco (06/27/83 to 06/30/83

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 897-83

RESOLVED, that the Travel Expense voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Lt. Ronald L. Jackson	$148.00	(P.O.S.T. Quarterly Meeting, San Diego, CA (07/21/83

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 896-83

AUTHORIZING ATTENDANCE OF LIEUTENANT TIMOTHY THORSEN, COMMUNITY RELATIONS AT THE P.O.S.T. SPECIAL SEMINAR FOR BASIC ACADEMY COMMUNITY RELATIONS INSTRUCTORS IN SACRAMENTO, CALIFORNIA, FROM AUGUST 9, 1983 TO AUGUST 10, 1983

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Timothy Thorsen, Community Relations, be authorized to

ttend the P.O.S.T. Special Seminar for Basic Academy Community Relations Instructors, conducted by the Commission on Peace Officer Standards nd Training in Sacramento, California, from August 9, 1983 to August 0, 1983 be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the above named member of he San Francisco Police Department in a sum not to exceed $174.00 or subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

OLICE COMMISSION REPORT

Commissioner Murphy said she just wanted to report that the olice Commission met today in Executive Session and no vote was aken.

HIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Shannon said that last week he mentioned that there as a conflict on a date for the meet and confer with the Commissioners dministration and San Francisco Police Officers' Association of August 7, 1983. He said since that time he has met with the San Francisco olice Officers' Association and if it is agreeable to the Commission, he Meet and Confer will be held on August 31, 1983 at 4:00 p.m. ommissioner Nelder said he would move approval; it was seconded by ommissioner Murphy and unanimously approved.

UBLIC HEARING REGARDING DEPARTMENT GENERAL ORDER R-1 VEHICLE ACCIDENTS NVOLVING MEMBERS

Continued four weeks.

UBLIC HEARING REGARDING DEPARTMENT GENERAL ORDER O-5, DEPARTMENT WARDS - APPROVED

ESOLUTION NO. 839-83

EPARTMENT GENERAL ORDER O-5, DEPARTMENT AWARDS

RESOLVED, that the Police Commission hereby approves the epartment General Order O-5, regarding Department Awards.

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

UBLIC HEARING REGARDING DEPARTMENT GENERAL ORDER P-6, CONSENT ECREE UNIT - APPROVED

ESOLUTION NO. 840-83

EPARTMENT GENERAL ORDER P-6, CONSENT DECREE UNIT

RESOLVED, that the Police Commission hereby approves Department eneral Order P-6, Consent Decree Unit.

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

UBLIC HEARING REGARDING DEPARTMENT GENERAL ORDER D-9, RESPONSIBILITIES F SUPERIOR OFFICERS

Continued four weeks.

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION CONSIDER AN APPLICATION FROM MR. HARVEY LEW TO OPERATE A JITNEY BUS ON THE THIRD STREET JITNEY BUS ROUTE USING A 21 PASSENGER MERCEDES VAN

Officer Lamont Suslow appeared before the Commission and introduced Mr. Harvey Lew, who appeared with him. Officer Suslow said this item was on the Commission Calendar two weeks ago as the Department was waiting to determine whether or not the Board of Supervisors has passed and whether or not the Mayor would sign the amendment to the Police Code which defines a Jitney Bus. He then passed out copies of the Ordinance to the Commissioners. He then read in part, the basic definition of a Jitney Bus from the Ordinance: "A Jitney Bus is hereby defined as a vehicle of less than 20 feet in length and no more than 15 passengers." He said if Mr. Lew would be willing to amend his application to go with a 15 passenger bus, the Department has no other reason to deny his permit.

Mr. Lew, in speaking to the Commissioners, said that first of all Third Street is different than any other Jitney Bus Route. He said there are many times where there are loads of people waiting for transportation so he bought a bus that will carry 21 passengers. He said the Commission okayed five applicants to operate a Jitney on the Third Street Route and he said he felt it would be more feasible for a 21 passenger bus than a 15 passenger bus to operate there.

Commissioner Murphy said the Commission has no say about it as the Ordinance is very clear in that respect. Mr. Lew said he would accept the 15 passenger limit. Commissioner Nelder then moved for approval of Mr. Lew's application with the provision that it be modified to carry 15 passengers only.

Commissioner Daly seconded and it was unanimously approved.

RESOLUTION NO. 841-83

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION CONSIDER AN APPLICATION FROM MR. HARVEY LEW TO OPERATE A JITNEY BUS ON THE THIRD STREET JITNEY BUS ROUTE, USING A 21-PASSENGER MERCEDES VAN - (APPROVED FOR 15 PASSENGERS)

WHEREAS, Mr. Harvey Lew was granted a Jitney Bus Permit per Police Commission Resolution No. 155-83 to operate a Jitney bus on the Third Street Jitney Bus Route; and

WHEREAS, it is the Police Commission's decision that all new Jitney Bus permits to operate the Third Street Jitney Bus Route must traverse the entire route and that is from Fourth Street and Market Street to the intersection of Fourth and Third Streets, south on Third Street to the intersection of Third and Evans Streets, then east on Evans Street to the Hunters Point Shipyards, and from Hunters Point Shipyards westerly on Evans Street to the intersection of Third Street and then northerly on Third Street to the intersection of Market Street, thence westerly Market Street to the intersection of Fourth Street and the point of commencement; and

WHEREAS, Mr. Harvey Lew requested by letter a hearing before the Police Commission for permission to use a 21-passenger Mercedes van for the Third Street Route and at said hearing his request was denied for 21 passengers as that would violate Ordinance No. 394-83, as amended on 07/11/83 relating to the definition of Jitney buses and clarifying certain routes, which states that Jitney buses shall not operate with more than fifteen (15) passengers; the Police Commission, therefore, in compliance with said Ordinance, approved Mr. Lew's van for operation with no more than fifteen (15) passengers; and

WHEREAS, after a favorable report has been submitted to the Police Commission from the Police Department's Permit Section regarding Mr. Harvey Lew's capability of operating his Jitney bus van with a fifteen (15) passenger capacity and of having purchased the appropriate amount of insurance, will therefore grant Mr. Lew a permit to operate a Jitney bus on the Third Street Route; therefore be it

RESOLVED, that it is the order of the Police Commission that Mr. Harvey Lew, shall be and is hereby granted, upon receipt of the above verifications by the Permit Section, a permit to operate fifteen (15) passenger Mercedes Van on the Third Street Jitney Bus Route.

AYES: Commissioners Daly, Nelder, Murphy
ABSENT: Commissioners Toler, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT MR. EDWARD L. JUNG'S APPLICATION TO OPERATE A JITNEY BUS ON THE THIRD STREET JITNEY BUS ROUTE BE DENIED

Officer Lamont Suslow appeared on this item and said the Department is recommending denial pursuant to Section 2b of Proposition K, which states that no more than one permit shall be issued to any one person. He said Mr. Jung currently holds three motorized rickshaw permits.

Mr. Jung, in his appeal to the Commission, said that the Commission found Public Convenience and Necessity to issue five new jitney permits for the Third Street Route. He said he would be willing to forfeit one of his rickshaw permits so that there would be the same number of permits in the City and this would also fill a need on Third Street.

Commissioner Murphy said to Mr. Jung that what he is proposing does not appear to be in compliance with Proposition K.

Officer Suslow said that he would like to add that it definitely does not and that there are other applicants for permits on the Third Street Route and that the Department will be contacting very shortly that have indicated a desire to operate on Third Street. He said he felt there will be sufficient applicants to bring the number up to par.

Commissioner Nelder said that because Mr. Jung was in line for one of the Third Street permits and the question before the Commission is whether or not the Commission can legally issue him this permit. Therefore, he said, he would move that the matter be submitted to the Legal Department for their answer, giving the Commission some direction in the matter. He said he would move for a one week continuance.

Commissioner Daly said she would second it because she felt the Commission should at least find out how they are going to define one permit and there seems to be some questions about this that needs to be answered. It was then unanimously approved for a continuance of one week.

THE MEETING THEN ADJOURNED AT 6:10 p.m.

Willie E. Frazier
Secretary
THE POLICE COMMISSION

10 AUGUST 1983 EXECUTIVE SESSION

The Police Commission of the City and county of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, August 10, 1983 at 1630 hours in Executive Session.

PRESENT: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

1. Personnel Matter.

Commissioner Sanchez presiding.

10 AUGUST 1983 REGULAR SESSION

The Police Commission of the City and Couty of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 10, 1983 at 1730 hours in regular Session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

STATUS REPORT IN THE MATTER OF OFFICER JEFFREY WILLLIAMS

RESOLUTION NO. 900-83

STATUS REPORT IN THE MATTER OF POLICE OFFICER JEFFERY WILLIAMS MISSION STATION

WHEREAS, the status report in the matter of Police Officer Jeffrey Williams, Mission Station, was called it having been set for this date; and

WHEREAS, Mr. Michael Gash, Attorney for the San Francisco Police Department, requested a continuance in this matter; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Jeffery Williams, Mission Station, is set for Wednesday, September 7, 1983, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

STATUS REPORT IN THE MATTER OF OFFICER MARK SOLOMON

RESOLUTION NO. 901-83

STATUS REPORT IN THE MATTER OF POLICE OFFICER MARK SOLOMON, RECORDS ROOM

WHEREAS, the status report in the matter of Police Officer Mark Solomon, Records Room, was called it having been set for this date; and

WHEREAS, Mr. Michael Gash, Attorney for the San Francisco Police Department, requested a continuance in this matter; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Mark Solomon, Records Room, is set for Wednesday, September 7, 1983 in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

STATUS REPORT IN THE MATTER OF OFFICER JEFFERY WILLIAMS

RESOLUTION NO. 898-83

SETTING OF DATE FOR THE HEARING OF THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER JEFFREY WILLIAMS, MISSION STATION

WHEREAS, the status report in the matter of Police Officer Jeffrey Williams, Mission Station, was called it having been set for this date; and

WHEREAS, Mr. Michael Gash, Attorney for the Police Department, requested that the matter be continued to August 17, 1983, for setting of date for hearing; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Jeffrey Williams, Mission Station, is set for Wednesday, August 17, 1983 at 5:30 p.m. in Room 551, Hall of JUstice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez said the Police Commission met in Executive Session at 1630 hours and no vote was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Eimil said the Chief would be on vacation for the next two weeks and therefore, he would be in charge until he returned.

REQUEST FOR A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $6,420,084 TO FUND THE SWORN SALARY STANDARDIZATION FOR FISCAL YEAR 1983-84

RESOLUTION NO. 899-83

REQUEST FOR A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $6,420,084 TO FUND THE SWORN SALARY STANDARDIZATION FOR FISCAL YEAR 1983-84

RESOLVED, that the Police Commission hereby approves the request for a Supplemental Appropriation in the Amount of $6,420,084 to Fund the Sworn Salary Standardization for Fiscal Year 1983-84

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

HEARING OF OFFICER MICHAEL HUGHES, MUNI TRANSIT DIVISION

RESOLUTION NO. 902-83

WHEREAS, the hearing of Police Officer Michael Hughes, MUNI Transit Division, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Jerry Akins, Attorney for the San Francisco Police Department, that the matter be continued to Wednesday, August 31, 1983; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Michael Hughes,

MUNI Transit Division, is continued to Wednesday, August 31, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT MR. EDWARD L. JUNG'S APPLICATION TO OPERATE A JITNEY BUS ON THE THIRD STREET JITNEY BUS ROUTE BE DENIED (CONTINUED FROM AUGUST 3, 1983)

Officer Lamont Suslow from the Permit Section appeared on behalf of this item and reminded the Commission that at last's weeks meeting they had requested a legal opinion with respect to Mr. Jung's application to operate a jitney bus on the Third Street Jitney Bus Route. He said the opinion which the Commissioners now have concurs with the recommendation of the Chief of Police in that Mr. Jung's application be denied in as much as he holds existing motor vehicle for hire permits.

Mr. Jung appearing in his own behalf said he felt Proposition "K" was to keep big companies like Yellow Cab Co. from having too many permits. He said he was offering to drop one of his Rickshaw Seasonal Permits to take the Third Street Jitney Bus Permit and there would be no increase in permits in the City.

The Commissioners, after listening to Mr. Jung decided to continue the matter for one week to see if the City Attorney, after taking Mr. Jung's request to surrender one of his Rickshaw Seasonal Permits, under consideration to see if it complies with the provisions of Proposition "K" and render opinion for the Commission to discuss at that time.

Commissioner Murphy then added that the question to the City Attorney should also be as to whether Mr. Jung could operate his Rickshaw Permits on a seasonal basis and coincide this operation with a possible jitney operation during the off season for the Rickshaw Seasonal Permits.

Commissioner Nelder said he would move that it be continued for one week with the provision in mind, it was seconded by Commissioner Daly, and unanimously approved.

DISCUSSION: PRIVATE PATROL vs. PATROL SPECIAL OFFICER JURISDICTIONAL AUTHORITY FOR THE PROVISION OF PATROL SERVICES IN THE PARK MERCED AREA

Commissioner Sanchez said that before we proceed on this item he would just like to say that it has been brought before the Commission twice before and the Commission has not rendered any action at this point and will not do so until there has been a full and comprehensive review by the City Attorney after an interpretation of the City Attorney regarding the questions that were raised. He said it is his understanding that the Chief has forwarded to the Commission a copy of the findings of the attorneys including his recommendation pertaining to this matter. He then invited those persons present to come forth who wished to make any comments for or against.

Mr. Jerry Akins, Attorney for the San Francisco Police Department's Legal Office said that Mr. Lawrence Wilson also from the Legal Office, did write an opinion in response to the questions presented.

He said basically the two questions that were passed are: 1) is a Fixed Patrol Operator who has two client stores separated from each other by intervening businesses, and who walks from one client to the other utilizing the public streets to provide patrol service in violation of the Municipal Police Code Section 1750.2 and the conclusion, he said is no, and it is not in violation of the Municipal Police Code Section 1750.2. He said, however, by patrolling the streets in a neighborhood by a security company which has not been licensed as a special beat officer does constitute a violation and the ultimate conclusion was that the ABM Security's use of the public streets in Park Merced Area to provide security is a diminution and is directly opposed to the rights of the Patrol Special who was appointed by the Police Commission. He, therefore, said it is not a proper exercise of their charter from the state to provide security services in that the City has not granted them a right to patrol this area.

Officer Wassil Rolovich who oversees the operation of Patrol Specials in the City said the City has not for sometime exercised its rights under Section 1750.2 of the Municipal Police Code to require registration due to the fact that all territory in San Francisco has been allocated. He said therefore, neither the DA Security or ABM at Park Merced is registered with the Department because all of the territory has been allocated to Patrol Special Police Officers.

Mr. Akins, thereafter added the fact that the mere registering by any security operation would be meaningless unless that registration is accompanied by the granting of territory to that security agency by the Police Commission.

Mrs. Janice Tolbert then stated to the Commission that she is a long time resident of Park Merced and said she would like to take the opportunity to inform the Commission of an incident in Park Merced that was horrendous for her son and herself as well as for a number of other parents who live in the Community during the time that Patrol Special Officer Fred Grenci and his specials patroled the area. She said the thing that needs to be changed out there is the harrassment of teenagers who live in the community. She said teenagers who casually stroll in the area are stopped by these officers, ordered to spread their legs, place their hands over their heads and are then searched. She said if the teenager asks why, he is being subjected to this action, the officers respond by calling them punks, stupid and other names that are too vulgar for her to say at this time. She said this is done over and over again. She said it has happened to her son from the time he was 12 and he is now currently 19. She said the misconduct of Special Officer Grenci and his police has degaraded and demoralized the communities children at their most crucial and vulnerable age. She said they have been to a number of community organizations, they have also appealed to management about it which only resulted in humilation for them by the management.

She said with the exception of three of Officer Grenci's men, all have a passion to harass the young people who live in that area.

Commissioner Sanchez said in response to Mrs. Tolbert's complaint that Patrol Special Officers are a part of the San Francisco Police Department. He said anytime a citizen feels an officer of this Department has not conducted himself properly, that citizen, in redress of his/her grievance, may avail themselves of the services of the Internal Affairs Division or the newly formed Office of Citizens Complaints which will undertake a comprensive investiagtion of their complaint and thereafter take appropriate action. He said, so, this evening the item being discussed is the conflict as to jurisdictional authority for patrol services.

Mrs. Tolbert said that the matter has been reported to Internal Affairs regarding a specific officer employed by Mr. Grenci, and Commander Trueb, Officer in charge of Internal Affairs Bureau, told her that this officer was to attend a class on Police Community Relations at the Police Academy, however, she said it has been several months now and that officer has made no attempt to attend that class. She said the officer's name is Richard Berry, he did not go to the class and the Department did not follow it up. She said she would like to tell the Commission also about the new security the ABM Security who now patrols the area. She said she has canvassed the community, she has spoken with all of the children to see just how they feel as to the behavior or conduct of the ABM Security people. She said the result has been favorable in that they treat the children with care and decency and this is the kind of behavior they expect from a police person. She said the ABM Security men seem to be very professional decent, and have shown care in dealing with all of the residents, senior citizens as well as children. She said if Officer Grenci's Officers are brought back they will bring with them the anxiety and fear that she and others as parents have had to live in because of their behavior toward the residents. She said she would ask the Commission that in their deliberation on the issue to please take into consideration the dedicated young ABM Security men who need to be given a chance to prove their abilities.

Mr. Dave Jarvis, also a resident of Park Merced said he had a 13 year old son and he was also concerned about the security in Park Merced. He related an incident that happened to his son involving Park Merced security officers and the management there and then stated that it did not matter to him who was hired for security out there as long as they were professionals and conduct themselves in a professional manner.

Patrol Special Fred Grenci then spoke in answer to Mrs. Tolbert's charges and stated that he thought the matter with Officer Berry going to the Community Relations Class had been resolved. He said apparently some where along the line it turned out to be a bad connection, regarding Officer Berry's requirement to attend the class. He said if Mrs. Tolbert does not want his Patrol Special service in Park Merced it is her privelege as well as the Manager, Mr. Scovili, but he said his concern was the authorization to patrol the streets which was delegated to him by the Police Commission in 1972. He said there is only one street in the Park Merced complex that is private and that is the 500 block of Arballo.

Mr. Ricardo Callejo, Attorney at Law, said the last time he was present he and the Board of Directors of the Tennants Association, addressed the danagers that are suffered by the now over 40% of the 60 or older residents at the Park Merced Complex. He said this is by virtue of the fact that there is no police out there patrolling as Mr. Grenci and his group were doing having the power of arrest He said he had read the letter written by Mr. Wilson of the Department's Legal Office as well as the cover letter of Chief Murphy. He said it seems to him and a lot of other people that this is a very difficult and urgent situation. He said they are faced with a delemmna in that ABM does not have the power of arrest so all of the people in the Park Merced are subject to dangers as the response time to complaints there by San Francisco Police Officers is something around 25 minutes. He said in 25 minutes time, the rapist or the mugger or whatever is going to disappear in the bushes and that leaves the tennants virutually defenseless. He said on the other hand he is aware that there are some problems with Mr. Grenci and his forces because of the problems that Mrs. Tolbert has addressed. He said he felt that they must deal in priorities and that the priority is that they must have police protection and if Mr. Grenci cannot be re-instated for the time being then the Commission should take some action in regard to the matter. He said in view of Mr. Wilson's opinion, the Commission should take action to halt the ABM Security service that is out there and force the Park Merced people to come in with some solution as it is there responsibility to solve the problem.

Deputy Chief George Eimil, Acting Chief, responded at the request of Commissioner Murphy, and said that police department calls for service are prioritized in the following matter: A,B, and C. He said "A" calls are those calls for crimes that are in progress. "B" calls are for serious crimes and "C" calls are for crimes that have occurred sometime in the past. He said the Police Department's response time for calls in the Park Merced complex or the entire district is less than five minutes. For "B" calls, an hour.

Commissioner Sanchez said that the Commission had requested staff to review the matter. He said probably the best thing the Commission can request the Chief and Staff to do is to take this opinion they now have along with the statistics and instruct the Captain of Taraval Station to monitor police calls and response time to this area to see if there has been an increase in requestss for police services provided to the Commission for its consideration so that they may insure that this part of the City is provided with access to the highest degree of police services as is attempted to be done uniformly throughout the whole City and Couty of San Francisco. The matter was then continued for one week.

HEARING OF OFFICER GLENN SYLVESTER, MISSION STATION

The hearing of Police Officer Glenn R. Sylvester, Mission Station, was called it having been set for this date. Police Officer Glenn R. Sylvester was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to comply with Department weight standards (violation of Section II, Subsection A-1, General Order B-1 of the San Francisco Police Department,)

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of Police of the San Francisco Police Department.

Police Officer Glenn R. Sylvester, appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Stephen Bruce Bley.

An opening statement was made by Mr. Michael Gash.

Mr. Stephen Bruce Bley, entered a plea of guilty on behalf of Police Officer Glenn R. Sylvester.

Closing statements were made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 903-83

DECISION - HEARING OF POLICE OFFICER GLENN R. SYLVESTER, MISSION STATION

WHEREAS, on April 21, 1983, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Glenn R. Sylvester, as follows:

SPECIFICATION NO. 1

(a) At all times herein mentioned, Glenn R. Slyvester was and is a police officer, appointed after March 17, 1970, employed by the San Francisco Police Department, and currently assigned to Company D - Mission Station;

(b) As a police officer, Officer Sylvester (hereinafter the accused) was and is responsible for knowing and obeying the Rules, Procedures, and Orders of the San Francisco Police Department;

(c) The accused is 5' 11" tall and by department standards set forth in General Order B-1 has a maximum allowable weight of 198 to 217.8 lbs., including a 10% allowance for sustaining a reclining blood pressure between 140mm systolic/ 90 diastolic;

(d) On July 23, 1982, the accused was admonished by the Commanding Officer of Personnel and Training for failure to comply with department weight standards and was ordered to comply by Septmeber 1, 1982;

(e) On September 7, 1982, the accused was weighed at 235 lbs., which exceeded his maximum allowable weight;

(f) On September 15, 1982, the accused was reprimanded by the Chief of Police and ordered to comply

with department weight standards by October 13, 1982;

(g) On October 13, 1982, the accused was weighted at 240 lbs., which exceeded his maximum allowable weight;

(h) On December 2, 1982, a Chief's disciplinary hearing was held for the accused. The accused was ordered by the Chief of Police to comply with department weight standards by February 2, 1983;

(i) On February 1, 1983, the accused was placed off-duty because of a job-incurred disability. The accused returned to full duty on or about March 7, 1983;

(j) On April 4, 1983, the accused was weighed at 246 lbs., with a reclining blood pressure of 142 systolic/94 diastolic, which exceeded his maximum allowable weight;

(k) By failing to comply with department weight standards, the accused violated Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department which states in pertinent part:

A. Weight Requirements

1. Male Officers

a. Members must stay within the assigned weight standards below:

b.

HEIGHT	MINIMUM WEIGHT	MAXIMUM WEIGHT
5' 11"	152#	198#

and

WHEREAS, a hearing on said charges was had before the Police Commission purusant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 10, 1983 and on Wednesday August 10, 1983 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Glenn R. Sylvester as contained in Specification No. 1, Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department are sustained by the evidence presented at the hearing; and

WHEREAS, the Police Commission feels that based on evidence presented that Officer Glenn R. Sylvester should be given another chance to lose eight pounds; and

WHEREAS, upon failure to lose said eight pounds in thirty (30) days he shall be brought back before the Police Commission for imposition of sentence; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Glenn R. Sylvester be given thirty (30) days to lose eight pounds and if he fails to do so within said thirty (30) day period he shall be brought back before the Police Commission where disciplinary penalty shall be imposed.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

CONTINUATION OF THE HEARING OF POLICE OFFICER WILLIAM TERCERO, PROPERTY CONTROL

The matter of the hearing of Police Officer William Tercero Property Control, was called it having been continued from the meeting of June 29, 1983.

Officer William Tercero appeared in person and was represented by Mr. Charles Breyer, attorney at law.

Mr. Michael Gash, attorney at law, appeared on behalf of the San Francisco Police Department.

The following named witness was called by the Prosecution, was sworn and testified:

Captain John Jordan
Ingleside Police Station

The following exhibit was submitted as evidence by the Prosectuion:

Exhibit No. 19 - Intra-Departmental Memorandum dated Monday, October 25, 1982, re: Investigation offduty firearm discharge by Officer Louis Tercero, Co. D. and misconduct by Officer Louis Tercero, Officer William Tercero and Officer Eugene Kalinin. Submitted by Capt. Donald Taylor, Co. D and Captain John J. Jordan, Co. H.

The following named witnesses were called by the Defense, were sworn and testified:

Officer Teresa Hubbard
Airport Police

Officer Louis Tercero
Property Control

After listening to testimony from the above parties, the Commission then adjourned at 2210 hours and the matter was continued to Monday, August 29, 1983 at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR).

CONTINUATION OF THE HEARING OF POLICE OFFICER EUGENE KALININ, PROPERTY CONTROL

The matter of the hearing of Police Officer Eugene Kalinin, Property Control, was called it having been continued from the meeting of June 29, 1983.

Officer Eugene Kalinin appeared in person and was represented by Mr. Charles Breyer, attorney at law.

Mr. Michael Gash, attorney at law, appeared on behalf of the San Francisco Police Department.

The following named witness was calle by the Prosecution, was sworn and testified:

Captain John Jordan
Ingleside Police Station

The following exhibit was submitted as evidence by the Prosecution:

Exhibit No. 19 - Intra-Departmental Memorandum dated Monday, October 25, 1982, re: Investigation of offduty firearm discharge by Officer Louis Tercero, Co. D, and misconduct by Officer Louis Tercero, Officer William Tercero and Officer Eugene Kalinin. Submitted by Capt. Donald Taylor, Co. D and Captain John J. Jordan, Co. H.

The following named witnesses were called by the Defense, were sworn and testified:

Officer Teresa Hubbard
Airport Police

Officer Louis Tercero
Property Control

After listening to testimony from the above parties, the Commission then adjourned at 2210 hours and the matter was continued to Monday, August 29, 1983 at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR).

CONTINUATION OF THE HEARING OF POLICE OFFICER LOUIS P. TERCER, PROPERTY CONTROL

The matter of the hearing of Police Officer Louis P. Tercero, Property Control, was called it having been continued from the meeting of June 29, 1983.

Officer Louis Tercero appeared in person and was represented by Mr. John Prenctice, attorney at law.

Mr. Michael Gash, attorney at law, appeared on behalf of the San Francisco Police Department.

The following named witness was called by the Prosecution, was sworn and testified:

Captain John Jordan
Ingleside Police Station

The following exhibit was submitted as evidence by the Prosecution:

Exhibit No. 10 - Intra-Departmental Memorandum dated Monday, October 25, 1982, re: Investigation of offduty firearm discharge by Officer Louis Tercero, Company D, and misconduct by Officer Louis Tercero, Officer William Tercero and Officer Eugene Kalinin, submitted by Capt. Donald Taylor, Co. D, and Captain John J. Jordan, Co. H.

The following named witnesses were called by the Defense, were sworn and testified:

Officer Teresa Hubbard
Airport Police

Officer Louis Tercero
Property Control

After listening to testimony from the above parties, the Commission then adjourned at 2210 hours and the matter was continued to Monday, August 29, 1983 at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

(The entire proceedings were taken in shorhand form by Ms. Linda Pransky, CSR).

THE MEETING THEN ADJOURNED AT 10:10

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

17 AUGUST 1983 REGULAR SESSION

The Police Commission of the City and Couty of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 17, 1983 at 1730 hours, in Regular Session.

PRESENT: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLATION OF TRAFFIC ZONES ON THE PUBLIC STREETS

759 HARRISON ST (3rd ST) "CITY GLASS EXPRESS" GRANT

At 759 Harrison Street. INSTALL 22' Yellow Zone from 19' to 41' east of the west property line of 759 Harrison.

750 STOCKTON ST (WASHINGTON ST) "MEDICAL BLDG." GRANT

At 950 Stockton Street, INSTALL 22' Blue Zone from 83' to 105' south of Washington Street On Stockton Street.

2412 CLEMENT ST (25th AV) GRANT

At 2412 Clement Street, INSTALL 22' Blue Zone from 79' to 99' west of 25th Avenue. REMOVE Meter #2412.

191 POTRERO AV (15th ST) "LACQUER SERVICE CO." GRANT

At 191 Potrero Avenue, INSTALL 22' Green Zone from 9' to 31' north of the south property line of 191 Potrero Avenue.

726 CLEMENT ST (SUTTER ST) GRANT

At 726 Clement Street, INSTALL 18' Blue Zone from 13' to 30' east of Sutter Street.

526 CLEMENT ST (7th AV) GRANT

At 526 Clement Street, INSTALL 18' Blue Zone from 15' to 33'.

526 CLEMENT ST (7th AV) CONTINUED

east of 7th Avenue. REMOVE Meter #526.

2563 SAN BRUNO AV (FELTON ST) "PORTOLA HARDWARE" GRANT

At 2563 San Bruno Avenue, INSTALL 20' Yellow Zone from 204' to 224' south of Felton Street. REMOVE Parking Meter SNBR #2537.

2793 16th AV (FOLSOM ST) "OLD COUNTRY UPHOLSTERY" GRANT

At 2793 16th Street, INSTALL 22' Yellow Zone from the east property line 22' west.

441 ELLIS ST (JONES ST) "LASSEN APARTMENT" GRANT

At 441 Ellis Street, INSTALL 22' White Zone from 36' to 58' west of the east building line.

424 HAYES ST (GOUGH ST) "CITY HALL MARKET" GRANT

At 424 Hayes Street, INSTALL 25' Yellow Zone from the west property line of 424 Hayes Street, 25' east, REMOVE Parking Meter HAY 412.

358 BEACH ST (TAYLOR ST) "WHARF COFFEE SHOP"REVOKE/GRANT

At 358 Beach Street, REVOKE 45' Special Truck Loading Zone from 35' to 80' east of the west line. INSTALL, 22' Yellow Zone from 196' to 218' east of Taylor Street.

395 HAYES ST (GOUGH ST) "CITY HALL MARKET" REVOKE

At 395 Hayes Street, REVOKE 27' Yellow Zone from 18' to 45' east of Gough Street.

358 BEACH ST (TAYLOR ST) "WHARF COFFEE SHOP" REVOKE

At 358 Beach Street, REVOKE 25' White Zone from 148' to 173' east of Taylor Street, INSTALL Meter.

2900 25th ST (YORK ST) REVOKE

At 2900 25th Street, REVOKE 20' Green Zone from 3' to 23' west of York Street.

RECOMMENDATION OF THE CITY ATTORNEY OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUTY OF SAN FRANCISCO

RESOLUTION NO. 904-83

RUTH JENSEN

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Ruth Jensen in the sum of $6,975.00 in Superior Court Action No. 762-395 entitled "Ruth Jensen vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident : May 21, 1979

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 905-83

STEVEN PRATT

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Steven Pratt in the sum of $4,500.00 in Superior Court Action No. 764-371 entitled "Steven Pratt vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 21, 1979

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 906-83

CHARMAINE ROBINSON

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Charmaine Rominson in the sum of $3,073.23 in Superior Court

Action No. 779-719 entitled "Charmaine Robinson vs. City and County of San Francisco et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 3, 1980

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 907-83

WILLIAM A. NELSON

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of William A. Nelson in the sum of $3,000.00 in Superior Court Action No. 797-565, entitled "William A. Nelson vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 24, 1982

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 908-83

AZIZEH S. ARBEED

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Azizeh S. Arbeed against the City and County of San Francisco in the sum of $512.61 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 24, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 909-83

CHUBB GROUP OF INSURANCE COMPANIES AND ROBERTO LOPEZ, DBA: SAN FRANCISCO RUBBER STAMP COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chubb Group of Insurance Companies and Roberto Lopez dba: San Francisco Rubber Stamp Company against the City and County of San Francisco in the sum of $953.05 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 14, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 910-83

ROYAL INSURANCE AND JAMES CHEVROLET

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Royal Insurance and James Chevrolet against the City and County of San Francisco in the sum of $1,396.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 11, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 911-83

G. M. MAIRANDRES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of G.M. Mairandres against the City and County of San Francisco in the sum of $206.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 2, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 912-83

JAY PULTZ AND KERRY HAMILL AND THEIR ATTORNEY, THOMAS STELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jay Pultz and Kerry Hamill and their attorney, Thomas Steel against the City and County of San Francisco in the sum of $1,500.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: February 21, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 913-83

DARRELL WOODS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Darrell Woods against the City and County of San Francisco in the sum of $100.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 10, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 914-83

AMERICAN REALTY AND CONSTRUCTION CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of American Realty and Construction Co. against the City and County of San Francisco in the sum of $520.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 27, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 915-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing and Storage Co. against the City and Cou Francisco in the sum of $77.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 15, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 916-83

DAVID W. JEWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David W. Jewell against the City and County of San Francisco in the sum of $59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 917-83

GEORGE GENTRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George Gentry against the City and County of San Francisco in the sum of $38.00 as the result of a fualty tow, be, and the same is hereby approved.

Date of Incident: May 31, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 918-83

SANDRA JEAN GARY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sandra Jean Gary against the City and County of San Francisco in the sum of $59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 919-83

CHESTER L. LIM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chester L. Lim against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 19. 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 920-83

DENNIS YIP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis Yip against the City

City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 921-83

SEMYON ORYOL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Semyon Oryol against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 19, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 922-83

ALANNA D. ZUPPANN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alanna D. Zuppann against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, toler

RESOLUTION NO. 923-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing and Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 12, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 924-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $27.50 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 21, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 925-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $27.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 7, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 926-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 30, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO.927-83

BARBARA J. FORSHAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara J. Forshay against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 928-83

MARGOT CROSMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margot Crosman against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 929-83

STEVE FISHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steve Fisher against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow be, and the same is hereby approved.

Date of Incident: June 17, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 930-83

EDWARD H. IV SNABORN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edward H. IV Sanborn against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 12, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 931-83

LAUREL ALLEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laurel Allen against the City and County of San Francisco in the sum of $59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 23, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 932-83

GINO F. COLOMBO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gino F. Colombo against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 12, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 933-83

TIM M. ZASLY

RESOLVED, that the recommendation of the City Attorney settlement of the claim of Tim M. Zasly against the City and County of San Francisco in the sum of $68.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 29, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 934-83

RONALD D. HIGHTOWER

RESOLVED, that the recommendation of the City Attorney settlement of the claim of Ronald D. Hightower against the City and County of San Francisco ub tge syn if $68.40 as the result of a faulty tow, be, andn the same is hereby approved.

Date of Incident: July 17, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 935-83

ELECIA ANNE KRUMB

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elecia Anne Krumb against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 29, 1982

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 936-83

DIANE L. VINDUM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diane L. Vindum against the City and County of San Francisco in the sum of $50.00 as the result of a fautly tow, be, and the same is hereby approved.

Date of Incident: June 15, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 937-83

YELLOW CAB CO-OP, INC

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-Op, Inc. against the City and Couty of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 23, 1983

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

POLICE COMMISSION REPORT

a) DISCUSSION REGARDING PSYCHOLOGICAL TESTING PROCEDURES

Commissioner Sanchez said there has been a request to hold this over as the Chief is not present as well as other Commissioners who have expressed an interest in this Item. He said if anyone is present this evening who would like to speak and cannot be here on the 31st of August, which is the date scheduled for it to be heard, they may make there comments tonight, otherwise, the Commission will look forward to hearing from them on that date.

Commissioner Nelder then moved that it be continued to the 31st of August. Commissioner Murphy seconded and it was unanimously approved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Commissioner Sanchez said he had another Item under the Police Commission Report that also included the Chief's Report and it pertains to the forth coming November ballot on Proposition "P" which allows the City to provide the City Police Officers an average wage increase ranked according with Police Departments in California with populations of $350,000 or greater. He then called upon either Deputy Chief's Cordes or Eimil, to state whether it had been re-

viewed by the Department and/or other comments.

Deputy Chief Eimil said the issue had been reviewed by the Department and supports it.

Commissioner Nelder said this proposition simply corrects an inequity that should have been straightened out a long time ago. He then moved that the Commission support Proposition "P". Commissioner Murphy seconded, and it was unanimously approved.

SETTING OF DATE FOR HEARING OF POLICE OFFICER JEFFREY WILLIAMS

RESOLUTION NO. 944-83

SETTING OF DATE FOR HEARING OF POLICE OFFICER JEFFREY WILLIAMS MISSION STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Jeffrey Williams, Mission Station, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney for the San Francisco Police Department, that the date for the hearing before the Police Commission be set for Wednesday, October 5, 1983; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Jeffrey Williams, Mission Station, is set for Wednesday, October 5, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

NOTIFICATION OF FILING OF CHARGES AGAINST POLICE OFFICER JOSEPH PATTERSON

RESOLUTION NO. 945-83

POLICE OFFICER JOSEPH PATTERSON, NORTHERN STATION

WHEREAS, on August 4, 1983, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Joseph Patterson as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department.)

and

WHEREAS, the Police Commission set Wednesday, August 17, 1983 as the date of the Notification and Filing of Charges against Police Officer Joseph Patterson; and

WHEREAS, Chief of Police Cornelius P. Murphy, announced that the Police Department was in receipt of the resignation of Police Officer Joseph Patterson, from the San Francisco Police Department, said resignation effective August 16, 1983, which resignation was accepted with the condition that the services of Police Officer Joseph Patterson have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Joseph Patterson, be, and the same is hereby continued off calendar.

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT MR. EDWARD L. JUNG'S APPLICATION TO OPERATE A JITNEY BUS ON THE THIRD STREET JITNEY BUS ROUTE BE DENIED. (CONTINUED FROM MEETING OF AUGUST 10, 1983).

Officer Lamont Suslow from the Permit Section said that this Item had been continued from the last meeting wherein the Commission had requested that he obtain a clarification from the City Attorney on the City Attorney's Legal Opinion in regard to this item which he said, he had not received. He said he had spoken to Mr. Diaz of the City Attorney's Office who stated that he was going to try and get it to theCommission but he was unable to do so as he had become involved in a suit that had been filed against the City regarding the John Muir Condos.

Commissioner Nelder said he would move that it be continued for two weeks, Commissioner Murphy seconded and it was unanimously approved.

DISCUSSION: PRIVATE PATROL vs. PATROL SPECIAL OFFICER JURISDICTIONAL AUTHORITY FOR THE PROVISION OF PATROL SERVICES IN THE PARK MERCED AREA. (CONTINUED TO AUGUST 31, 1983)

Commissioner Murphy in speaking to the audience on this subject said that the Commission had just received a report it had asked for prior to tonight's meeting and had not had an opportunity to look at. She said she would like to see it continued for a couple of weeks so that the Commission could peruse it and see what the ramifications of it will be thereafter.

Commissioner Nelder said he would agree to that and moved that it be continued to August 31, 1983. Commissioner Murphy seconded and it was unanimously approved.

RECOMMENDATION OF THE CHIEF OF POLICE THAT MR. ROMOLO DURIGHELLOS REQUEST TO INCREASE THE PASSENGER CAPACITY OF HIS JITNEY BUS FROM TWELVE (12) TO FIFTEEN (15) PASSENGERS BE APPROVED

RESOLUTION NO. 946-83

REQUEST OF MR. ROMOLO DURIGHELLO FOR PERMISSION TO INCREASE THE PASSENGER CAPACITY OF HIS JITNEY BUS FROM TWELVE (12) PASSENGERS TO FIFTEEN (15) PASSENGERS - APPROVED

WHEREAS, Mr Romolo Durighello requested by letter a hearing before the Police Commission for permission to increase his passenger capacity from twelve (12) passengers to fifteen (15) passengers; and

WHEREAS, the Police Commission provided that a favorable report from the Police Department's Taxicab Enforcement Detail and the proper insurance is submitted to the Department's Permit Section covering such increase, approves Mr. Durighello's request; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Mr. Romolo Durighello for permission to increase his jitney bus passenger capacity from twelve (12) passengers to fifteen (15) passengers, be, and the same is hereby approved.

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION APPROVE THE REQUEST OF MR. ROMOLO DURIGHELLO'S FOR PERMISSION TO SUSPEND OPERATION OF HIS JITNEY BUS PERMIT FROM JUNE 25, 1983 TO AUGUST 1, 1983 - APPROVED

RESOLUTION NO. 947-83

REQUEST OF MR. ROMOLO DURIGHELLO TO SUSPEND OPERATION OF HIS JITNEY BUS PERMIT FROM JUNE 25, 1983 TO AUGUST 1, 1983

WHEREAS, Mr. Romolo Durighello has requested that permission be granted to suspend operation of his motor vehicle for hire permit from June 25, 1983 to August 1, 1983; and

WHEREAS, Mr. Durighello did not appear in person and was not represented by counsel; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Mr. Romolo Durighello for permission to suspend operation of his motor vehicle for hire permite from June 25, 1983, be, and the same is hereby approved.

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

PUBLIC HEARING REGARDING GENERAL ORDER T-1, "SECONDARY EMPLOYMENT"

Contined one month.

PUBLIC HEARING REGARDING GENERAL ORDER B-3, "EQUIPMENT"

Continued one month.

PUBLIC HEARING REGARDING GENERAL ORDER D-4, "ALCOHOL/DRUG USE BY MEMBERS"

Continued two months.

REQUEST FORM THE CHIEF OF POLICE ASKING THAT THE POLICE COMMISSION APPROVE A DIFFERENT TYPE OF VEHICLE AS AN ALTERNATIVE TO THE VANS AND MAXI-VANS CURRENTLY BEING USED

Officer Suslow of the Permit Section said that the Department is actually requesting that the Commission consider this request made by several jitney bus permit owners to use a different type of vehicle other than the standard van or maxi-van. He said pictures of the proposed vehicles had been sent to the Commissioners and he said there are several persons present who would like to address the Commission on this issue either for or against the request. The following speakers were as follows:

Mr. Phillip Pearson, Attorney for the jitney Operators said, it would be in the best interest of the commuting public if they ride in a vehicle where they could board and dislodge without crouching down. He said their would also be a savings in operating cost for the operator such as insurance and fuel expenses as these are diesel powered vehicles.

Officer Lamont Suslow stated that he had submitted a memorandum to the Commissioner's and also a copy of a letter Muni submitted just a few minutes ago. He said the Department's general 1086, as the vehicle dealership says the Model 309 which is the vehicle in question has an overall length of 19' 8", so it would comply, as long as the operator kept to the 15 passenger limit the Department would have no objection. He said the feeling also is that there might be the possibility for an increase in violations of overloading.

The next speaker was Mr. Frank Maestro, who said he represented the Jitney Owners Association who are all opposed to changing from the type of vehicle they presently have to any other type of vehicle. He said to allow this new vehicle, a mini bus, would be more competition for Muni and it would be a different type of service that jitneys are now providing. He said there would be problems such as overloading, and standees. He said he is also a licensed insurance broker and a licensed insurance adjuster and the size of the vehicle, because it could do mre damage if involved in a collision, would call for higher insurance rates.

Mr. Antonio David, jitney operator, said he has requested a new bus because he feels it wuld avoid the overloading as is now currently being done with the vans which are only converted to carry 15 passengers. He said the new bus would be more convenient for the public.

Mr. Jose Ma said, he is the one who is represted by Mr. Pearson, and is requesting the Mercedes to use on Mission Street. He said these busses come in sizes to carry 15, 19 and 24 passengers but he and some others are requesting for the 15 passenger type so that it would be more roomy and convenient for the passengers along with the safety factor as a consideration also. He said he had already purchased his vehicle and it is just sitting in the garage at present.

Ms. Joyce Hall, resident, Vistiation Valley, said if it can only carry 15 passengers they will not oppose it but if it can carry more then 15 they would oppose it. She said with all of the lobbying they had done at the Public Utilities Commission and Muni to get the special discount fates and jitney fares are 70 cents and Muni's are 60 cents, it would not be justifiable.

The Commissioners, after listening to the speakers, felt that there were still too many unanswered questions and Commissioner Murphy moved to continue it for two weeks. She also said she would like to have the questions she had posed to the Department regarding vehicle size, enforcement detail's ability to enforce or watch number of passengers loading and information from the industry itself as to cost or removing additional seats in order to make it impossible to carry more than 15 passengers.

Commissioner Nelder said he would second the motion and felt there were many unansered questions and an in-depth study should be made by the Department with a re-

commendation from the Chief and the Permit Section as to what course of action to take.

HEARING OF POLICE OFFICER SEVERO FLORES, INGLESIDE STATION

Mr. Robert Martin said that he was the attorney representing Officer Flores. He said he was not aware the last time when it was put over to this date that there would not be a full Commission present tonight. He said at that time he believed it would be a full Commission available on this date. He said he is requesting the matter be heard by a full Commission because it is very serious and the Department considers it to be very serious. He said under the circumstances he has been unable to get an idea as to what the Department is recommending. He said it may be a harsh penelty and it would be to the benefit of his client to have a full Commission decide upon it. He said he means no disrespect to the Commissioners who are present but he did feel that the seriousness and nature of the charges do warrant a full Commission.

Commissioner Murphy said she did not feel that it would be possible to obtain a date where the Commission could assure Mr. Martin that all would be present. She said she believed Mr. Martin did not intend for it to appear that anything less than a full Commission could not be objective. She said the Commission has this terrible backlog of cases, and advised Mr. Martin that it would be disadvantageous to his client for him to wait an inordinate amount of time for his case to be heard.

Commissioner Sanchez said it has been very difficult to have a full Commission present especially in the last few months where there has been a backlog in hearings and commitments both from work and other activities where all Commissioners may not be here at any given time. He said it would be possible to re-schedule it tonight to another time but if at that point there isn't a full Commission Mr. Martin should be aware that most likely the Hearing will go on as scheduled. He said he would support a motion by the Commission to re-schedule it but, if there are only three Commissioners showing up at the time it is re-scheduled for, then the Commission must proceed with the hearing at that time.

Commissioner Nelder echoed the remarks of Commissioners Sanchez and Murphy and moved that it be continued to November 9, 1983. It was seconded by Commissioner Murphy and unanimously approved.

RESOLUTION NO. 948-83

HEARING OF POLICE OFFICER SEVERO FLORES, INGLESIDE STATION

WHEREAS, the hearing of Police Officer Severo Flores, Ingleside Station, was called it having been set for this date;

WHEREAS, it has been requested by Mr. Robert Martin, Attorney for Officer Flores, that the matter be continued to Wednesday, November 9, 1983; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Severo N. Flores

Ingleside Station, is continued to Wednesday, November 9, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Murphy, Sanchez
ABSENT: Commissioners Daly, Toler

THE MEETING THEN ADJOURNED AT 6:50 P.M.

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

24 AUGUST 1983 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in thier chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 24, 1983 at 1730 hours in Regular Session.

PRESENT: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

Commissioner Sanchez presiding.

CHIEF'S REPORT TO THE POLICE COMMISSION

No Report.

POLICE COMMISSION REPORT

Commissioner Sanchez said the only thing he had to report under the Commission Report is that some of his colleagues had been getting additional calls again regarding cars that are parking on sidewalks and in driveways but mostly on sidewalks, especially in areas such as hospitals, bus zones, handicapped zones and other drop off facilities where the curbs have been indented to allow for wheel chairs to roll onto the sidewalks from the cross walks. He said it has been very noticable around Mr. Zion Hospital, U.C. Hospital, St. Lukes Hospital and etc. He said he just wanted to state it for the record again as the Department, when this matter was last discussed, put on a very good campaign to obtain compliance.

Commissioner Murphy said she has made this suggestion three times and heard nothing from it but she still felt that if the Department prepared small memo pads with appropriate wording for advising the violator that he is illegally parked and telling him/her that a carbon copy of this notice will be forwarded to the Police Department and distribute it to various handicapped persons who are affiliated with the various handicapped organizations it would probably go a long way as a deterrent to these type of violations. She said the Department could then take a look at those and identify people who are constantly violating and proceed to change their attitudes for committing these violations.

Deputy Chief Eimil who is currently subbing for Chief Murphy said he would advise the Captains of the District Stations to take action of these violations and he would discuss with them Commissioner Murphy's suggestion regarding the memo pad.

SETTING OF DATE FOR HEARING OF REQUEST OF SERGEANT RONALD R. KEIL FOR A RECOMMENDATION FOR INDUSTRIAL DISABILITY RETIREMENT

RESOLUTION NO. 957-83

SETTING OF DATE FOR HEARING OF THE REQUEST OF SERGEANT RONALD R. KEIL, RECORDS ROOM, FOR DISABILITY RETIREMENT

WHEREAS, the date to be set for the hearing of the request of Sergeant Ronald R. Keil, Records Room, for disability retirement, was called it having been set for this date; and

WHEREAS, it was requested by the Police Officers' Association Attorney Michael S. Hebel that the date for the hearing of said matter be set for Wednesday, September 14, 1983; therefore be it

RESOLVED, that the hearing in regard to the request for disability retirement of Sergeant Ronald R. Keil, Records Room, is set for Wednesday, September 14, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

PUBLIC HEARING REGARDING DEPARTMENT GENERAL ORDER NO.Z-3 "RELEASE OF POLICE REPORTS" - APPROVED

RESOLUTION NO. 951-83

DEPARTMENT GENERAL ORDER NO. Z-3, "RELEASE OF POLICE REPORTS"

RESOLVED, that the Police Commission hereby approves Department General Order Z-3, regarding Release of Police Reports.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

PUBLIC HEARING REGARDING DEPARTMENT GENERAL ORDER NO. 1-7 "DEATH CASES" - APPROVED

RESOLUTION NO. 952-83

DEPARTMENT GENERAL ORDER NO. 1-7, "DEATH CASES"

RESOLVED, that the Police Commission hereby approves Department General Order 1-7, regarding Death Cases.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

REQUEST OF THE CHIEF OF POLICE THAT INSPECTOR JAMES HAMPTON, JUVENILE DIVISION, BE AUTHORIZED TO ATTEND THE DELINQUENCY CONTROL INSTITUTE AT UCLA, LOS ANGELES, CALIFORNIA, FROM SEPTEMBER 6, 1983 TO OCTOBER 14, 1983 - APPROVED

RESOLUTION NO. 956-83

AUTHORIZING ATTENDANCE OF INSPECTOR JAMES HAMPTON, JUVENILE DIVISION, AT THE DELINQUENCY CONTROL INSTITUTE IN LOS ANGELES, CALIFORNIA, FROM SEPTEMBER 6, 1983 TO OCTOBER 14, 1983

RESOLVED, that the recommendation of the Chief of Police that Inspector James Hampton, Juvenile Division, be authorized to attend the Delinquency Control Institute, conducted by the University of Southern California, in Los Angeles, California, from September 6, 1983 to October 14, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the above-named member of the Department in an amount not to exceed $2,700.00 for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

HEARING OF POLICE OFFICER EDWARD W. CALVILLO, MISSION STATION

The matter of the hearing of Police Officer Edward W. Calvillo, Mission Station, was called it having been set for this date.

Police Officer Edward W. Calvillo appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Akins.

An opening statement was reserved by Attorney Prentice until after the Prosecution stated its case.

The following named witnesses were called by the Prosecution, were sworn, and testified.

Mr. Andrew Duncan
1621 Concord Drive
San Francisco, CA

Officer Eric Quema
Mission Station

Officer Louis K. Espinda
Mission Station

Sergeant Lawrence Minansian
Mission Station

After listening to testimony from the above parties, the Commission then adjourned at 2145 hours and the matter was continued to Monday, September 12, 1983 at 5:00 p.m. in Room 551, Hall of Justice.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LINDA PRANSKY, CSR)

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

HEARING OF POLICE OFFICER GARY M. FAGUNDES, NORTHERN STATION

The matter of the hearing of Police Officer Gary M. Fagundes, Northern Station, was called it having been set for this date.

Police Officer Gary M. Fagundes appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Akins.

An opening statement was reserved by Attorney Bley until after the Prosecution stated its case.

The following named witnessed were called by the prosecution were sworn, and testified.

Mr. Andrew Duncan
1621 Concord Drive
San Francisco, Ca

Officer Eric Quema
Mission Station

Officer Louis K. Espinda
Mission Station

Sergeant Lawrence Minansian
Mission Station

After listening to testimony from the above parties, the Commission then adjourned at 2145 hours and the matter was continued to Monday, September 12, 1983 at 5:00 p.m. in Room 551, Hall of Justice.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LINDA PRANSKY, CSR)

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

HEARING OF POLICE OFFICER TERRY GAN, SOUTHERN STATION

The matter of the hearing of Police Officer Terry Gan, Southern Station, was called it having been set for this date.

Police Officer Terey Gan appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Akins.

An opening statement was reserved by Attorney Bley until after the Prosecution stated its case.

The following named witnesses were called by the Prosecution, were sworn, and testified:

Mr. Andrew Duncan
1621 Concord Drive

Officer Eric Quema
Mission Station

Officer Louis K. Espinda
Mission Station

Sergeant Lawrence Minansian
Mission Station

After listening to testimony from the above parties, the Commission then adjourned at 2145 hours and the matter was continued to Monday, September 12, 1983 at5:30 p.m. in Room 551, Hall of Justice.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LINDA PRANSKY, CSR)

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

THE MEETING WAS THEN ADJOURNED AT 9:45 p.m.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY, THE POLICE COMMISSION

29 AUGUST 1983 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Monday, August 29, 1983, at 1600 hours for a Special Meeting.

PRESENT: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

Commissioner Sanchez presiding.

HEARING OF POLICE OFFICER LOUIS P. TERCERO, PROPERTY CONTROL RESIGNED - CARRIED OFF CALENDAR

Deputy Chief Eimil then announced that at 1600 hours this date he had received a resignation from Police Officer Louis Tercero and the effects of this resignation would be that he had resigned but not in good standing.

Commissioner Nelder said he just wanted to say that a motion is in order to accept the resignation with the stipulation made by the Acting Chief of Police George Eimil, and he would so move.

Commissioner Toler seconded and it was unanimously approved.

RESOLUTION NO. 953-83

POLICE OFFICER LOUIS P. TERCERO, PROPERTY CONTROL

WHEREAS, on November 30, 1982, Cornelius P. Murphy, Chief of Police, made a served charges against Police Officer Louis P. Tercero as follows:

SPECIFICATION NO. 1

Failure to prevent crime while off-duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions truthfully (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Discharging a firearm at a moving vehicle (violation of Section 1-C-2 of General Order F-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General D-1 of the San Francisco Police Department),

and

WHEREAS, the Police Commission set Monday, August 29, 1983 as the date of the hearing of Police Officer Louis P. Tercero; and

WHEREAS, Chief of Police Cornelius P. Murphy announced that the Police Department was in receipt of the resignation of Police Officer Louis P. Tercero from the San Francisco Police Department; said resignation effective August 29, 1983, which resignation was accepted with the condition that the services of Police Officer Louis P. Tercero have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Louis P. Tercero, be, and the same is hereby continued off calendar.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

HEARING OF POLICE OFFICER WILLIAM A. TERCERO, PROPERTY CONTROL

The matter of the hearing of Police Officer William A. Tercero, Property Control, was called it having been continued from the meeting of August 10, 1983.

Police Officer William A. Tercero appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of behalf of the San Francisco Police Department.

The following named witnesses appeared for the Defense, were sworn, and testified:

Inspector Herman Clark
Homicide Detail

Officer William A. Tercero
Property Control Division

Lieutenant Dave Christensen
Ingleside Station

Officer Dave Martinovich
Ingleside Station

Officer Eugene Kalinin
Property Control Division

Officer James Blanson
Mission Station

Mr. Al Graf
859 Bryant Street
San Francisco

The following exhibits were submitted as evidence by the Defense.

Exhibit C - Intra-Departmental Memorandum of July 25, 1983, from Inspector A. Palissetti, Re: Commendation for good work

Intra-Departmental Memorandum of July 27, 1983, from Lieutenant J. Mangan, Re: Outstanding Police work performed

Exhibit D - One (1) body shop Invoice B-91506, dated November 8, 1982.

One (1) estimate of repairs from Herrera Buick, Inc.

Attorney Michael Gash presented a closing statement and Attorney Stephen Bruce Bley also submitted his closing statement.

Chief of Police Cornelius P. Murphy recommended a suspension of ninety (90) days for Specification No. 3; a suspension of thirty (30) days for Specification No. 1, and ninety (90) days for Specification No. 2, the suspension for Specifications No. 1 and No. 2 to run concurrently, and No. 2 and No. 3 consecutively.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 954-83

DECISION - HEARING OF POLICE OFFICER WILLIAM A. TERCERO, PROPERTY CONTROL

WHEREAS, on November 30, 1982, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer William A. Tercero, as follows:

SPECIFICATION NO. 1

(a) At all times mentioned herein, William A. Tercero, Star No. 1523, was and is a probationary police officer appointed on February 22, 1982. Officer Tercero was assigned to Company H - Ingleside Station at the time of the incident; however, he is currently assigned to the Property Control Division;

(b) As a police officer Officer Tercero (hereinafter the accused) was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;

(c) At all times herein mentioned; the accused was off-duty and carrying a firearm;

(d) On October 10, 1982, at or about 0200 hours, Officer Eugene Kalinin, Star No. 2149, drove the accused and Officer Louis P. Tercero, Star No. 1520, in his motor vehicle to the "Sloat Beach" parking lot located at the Great Highway and Sloat Boulevard;

(e) From about 0200 hours until approximately 0350 hours, the accused, Officer Louis Tercero and Officer Eugene Kalinin consumed beer while sitting in the motor vehicle of Officer Kalinin;

(f) The California Vehicle Code makes it a crime for any person to drink any alcoholic beverage while in a motor vehicle;

(g) As a police officer, the accused has a duty to prevent crime at all times. Notwithstanding this duty, the accused by drinking beer in a motor vehicle, not only failed to prevent crime, but engaged in criminal conduct which constitutes a violation of Rule A-2 of General D-1 of the San Francisco Police Department which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

SPECIFICATION NO. 2

(a) Each and every allegation contained in paragraphs (a) through (g) of Specification No. 1 are incorporated by the reference as though they were fully set forth herein;

(b) On October 10, 1982, at approximately 0357 hours, Police Communications received an emergency 911 telephone call from Ms Lilly Estalas who reported that several men, who had guns and claimed to be police officers had just beaten her male companion at the Sloat Beach parking lot. Ms Estalas also reported that these men were driving a gold Cadillac.

(c) On October 10, 1982, at approximately 0403 hours, Police Communications received a call from an off-duty police officer, Officer George Carrington, Star No. 439, who reported that shots had been fired in the area of 44th Avenue and Sloat Boulevard;

(d) A responding Taraval Unit was flagged down by a near hysterical female juvenile, Denise Frias, who pointed out the gold Cadillac that was turning left onto Sloat Boulevard from 47th Avenue as the car containing the gunmen;

(e) The responding Taraval Unit immediately effected a felony vehicle stop of this car at 46th Avenue and Sloat Boulevard. The Cadillac was occupied by the accused, Officer Kalinin and Officer Louis Tercero;

(f) On October 12, 1982, when questioned by Captain Donald Taylor (Commanding Officer, Company D - Mission Station) and Captain John Jordan (Commanding Officer, Company H - Ingleside Station) regarding this incident, the accused failed to answer all questions truthfully;

(g) The accused's failure to answer all questions asked by a superior officer truthfully constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion..."

SPECIFICATION NO. 3

(a) Each and every allegation contained in paragraphs (a) through (g) of Specification No. 1 and paragraphs (a) through (g) of Specification No. 2 are incorporated by reference as though they were fully set forth therein;

(b) The accused, by consuming beer while sitting in a motor vehicle and failing to truthfully answer questions asked by a superior officer, has engaged in conduct which tends to subvert the good order, efficiency and discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, through such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, February 9, 1983; Tuesday, March 8, 1983, Wednesday, April 6, 1983, Tuesday, June 7, 1983; Wednesday, June 8, 1983; Wednesday, June 15, 1983, Wednesday, June 29, 1983; Wednesday, August 10, 1983; and on Monday, August 29, 1983 and that on Monday, August 29, 1983, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer William A. Tercero, Property Control, as contained in Specification No. 1, Violation of Rule A-2 of General Order D-1; Specification No. 2, Violation of Rule A-21 of General Order D-1 and Specification No. 3, Violation of Rule A-9 of General Order D-1 of the Rules and Procedures of the San Francisco Police Department are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer William A. Tercero, Property Control, has violated Specification No. 1, Violation of Rule A-2 of General Order D-1 and for said violation he shall be suspended for a period of thirty (30) days; and be it further

RESOLVED, that it is the order of the Police Commission that Police Officer William A. Tercero, Property Control, has violated Specification No. 2, Violation of Rule A-21 of General Order D-1, and for said violation he shall be suspended for a period of ninety (90) days; and be it further

RESOLVED, that it is the order of the Police Commission that Police Officer William A. Tercero, Property Control has violated Specification No. 3, Violation of Rule A-9 of General Order D-1 of the Rules and Procedures and for said violation he shall be suspended for ninety (90) days; and be it further

RESOLVED, that it is the order of the Police Commission that said penalties for Specification No. 1 of thirty (30) days, and Specificatin No. 2 of ninety (90) days shall run concurrently; and be it further

RESOLVED, that it is the order of the Police Commission that said penalties for Specification No. 2 of ninety (90) days and Specification No. 3 of ninety (90) days shall run consecutively for a total period of 180 days; and be it further

RESOLVED, that it is the order of the Police Commission that for said violations Police Officer William A. Tercero, Property Control, shall be and is hereby suspended for one hundred and eighty (180) calendar days without pay, sixty (60) of which shall not be imposed provided that the remaining one hundred twenty (120) calendar days without pay shall be served commencing Thursday, September 1, 1983 at 0001 hours and terminating on Thursday, December 29, 1983 at 2400 hours.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

HEARING OF POLICE OFFICER EUGENE E. KALININ, PROPERTY CONTROL

The matter of the hearing of Police Officer Eugene E. Kalinin, Property Control, was called it having been continued from the meeting of August 10, 1983.

Police Officer Eugene E. Kalinin, appeared in person and was represented by Mr. Charles Breyer, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses appeared for the Defense, were sworn, and testified:

Inspector Herman Clark
Homicide Detail

Officer William A. Tercero
Property Control Division

Lieutenant Dave Christensen
Ingleside Station

Officer Dave Martinovich
Ingleside Station

Officer Eugene Kalinin
Property Control Division

Officer James Blanson
Mission Station

Mr. Al Graf
859 Bryant Street
San Francisco

The following exhibits were submitted by the Defense:

Exhibit C - Intra-Departmental Memorandum of July 25, 1983, from Inspector A. Palissetti Re: Commendation for good work.

Intra-Departmental Memorandum of July 27, 1983, from Lieutenant J. Mangan, re: Outstanding police work performed.

Exhibit D - One (1) body shop invoice B-91506, dated November 8, 1982.

One (1) estimate of repairs from Herrera Buick, Inc.

Attorney Michael Gash presented a closing statement and Attorney Charles Breyer also submitted his closing statement.

Chief of Police Cornelius P. Murphy recommended a suspension of ninety (90) days for Specification No. 3 and a suspension of thirty (30) days for Specification No. 1 and ninety (90) days for Specification No. 2, the suspension for Specifications No. 1 and No. 2 to run concurrently, and No. 2 and No. 3, consecutively.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 955-83

DECISION - HEARING OF POLICE OFFICER EUGENE E. KALININ, PROPERTY CONTROL

WHEREAS, on November 30, 1982, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Eugene E. Kalinin, as follows:

SPECIFICATION NO. 1

(a) At all times herein mentioned, Eugene E. Kalinin, Star 2149, was and is a police officer employed by the San Francisco Police Department. Officer Kalinin was assigned to Company H - Ingleside Station at the time of the incident; however, he is currently assigned to the Property Control Division;

(b) As a police officer, Officer Kalinin (hereinafter the accused) was and is responsible for knowing and obeying the Rules, Orders, and Procedures of the San Francisco Police Department;

(c) At all times herein mentioned, the accused was off duty.

(d) On October 10, 1982, at or about 0200 hours, the accused drove Officer William A. Tercero, Star No. 1523 and Officer Louis P. Tercero, Star No. 1520, to the "Sloat Beach" parking located at the Great Highway and Sloat Boulevard;

(e) From about 0200 hours until approximately 0350 hours, the accused, Officers Louis Tercero and William Tercero, consumed beer while sitting in the motor vehicle of the accused;

(f) The California Vehicle Code makes it a crime for any person to drink any alcoholic beverage while in a motor vehicle;

(g) As a police officer, the accused has a duty to prevent crime at all times. Notwithstanding this duty, the accused, by drinking beer in a motor vehicle, not only failed to prevent crime, but engaged in criminal conduct which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department which states:

"Officer shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officer's ability to take proper action at the time in question."

SPECIFICATION NO. 2

(a) Each and every allegation contained in paragraphs (a) through (g) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;

(b) On October 10, 1982, at approximately 0357 hours, Police Communications received an emergency 911 telephone call from Ms Lilly Estalas who reported that several men who had guns and claimed to be police officers had just beaten her male companion at the Sloat Beach Parking Lot. Ms Estalas also reported that these men were driving a gold Cadillac;

(c) On October 10, 1982, at approximately 0403 hours, Police Communications received a call from an off-duty police officer, Officer George Carrington, Star No. 439, who reported that shots had been fired in the area of 44th Avenue and Sloat Boulevard;

(d) A responding Taraval Unit was flagged down by a near-hysterical female juvenile, Denise Frias, who pointed out the gold Cadillac that was turning left onto Sloat Boulevard from 47th Avenue as the car containing the gunmen;

(e) The responding Taraval Unit effected a felony vehicle stop of this car at 46th Avenue and Sloat Boulevard. The Cadillac was occupied by the accused, Officer William Tercero and Officer Louis Tercero;

(f) On October 12, 1982, when questioned by Captain Donald Taylor (Commanding Officer, Co. D - Mission Station) and Captain John Jordan (Commanding Officer, Co. H - Ingleside Station) regarding this incident, the accused failed to answer all questions truthfully;

(g) The accused's failure to answer all questions asked by the superior officer truthfully constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion ..."

SPECIFICATION NO. 3

(a) Each and every allegation contained in paragraphs (a) through (g) of Specifications No. 1, and paragraphs (a) through (g) of Specifications No. 2, are incorporated by reference as though they were fully set forth herein;

(b) The accused, by consuming beer while sitting in a motor vehicle and failing to truthfully answer questions asked by a superior officer, has engaged in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department, which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, through such offenses are not specifically defined or laid down in the Rules and Procedures, shall be considered unofficerlike conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, February 9, 1983, Tuesday, March 8, 1983, Wednesday, April 6, 1983, Tuesday, June 7, 1983; Wednesday, June 8, 1983; Wednesday, June 15, 1983; Wednesday, June 29, 1983; Wednesday, August 10, 1983, and on Monday, August 29, 1983 and that on Monday, August 29, 1983, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Eugene E. Kalinin, Property Control, as contained in Specification No. 1, Violation of Rule A-2 of General Order D-1; Specification No. 2, Violation of Rule A-21 of General Order D-1; and Specification No. 3, Violation of Rule A-9 of General D-1 of the Rules and Procedures of the San Francisco Police Department are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Eugene E. Kalinin, Property Control, has violated Specification No. 1, violation of Rule A-2 of General Order D-1 and for said violation he shall be suspended for a period of thirty (30) days; and be it further

RESOLVED, that it is the order of the Police Commission that Police Officer Eugene E. Kalinin, Property Control, has violated Specification No. 2, violation of Rule A-21 of General Order D-1 of the Rules and Procedures and for said violation he shall be suspended for a period of ninety (90) days; and be it further

RESOLVED, that it is the order of the Police Commission that Police Officer Eugene E. Kalinin, Property Control, has violated Specification No. 3, violation of Rule A-9 of General Order D-1 of the Rules and Procedures and for said violation he shall be suspended for ninety (90) days; and be it further

RESOLVED, that it is the order of the Police Commission that said penalties for Specification No. 1 of thirty (30) days and Specification No. 2 of ninety (90) days shall run concurrently; and be it further

RESOLVED, that it is the order of the Police Commission that said penalties for Specification No. 2 of ninety (90) days and Specification No. 3 of ninety (90) days shall run consecutively for a total of one hundred eighty (180) days; and be it further

RESOLVED, that it is the order of the Police Commission that for said violations Police Officer Eugene E. Kalinin, Property Control, shall be and is hereby suspended for one hundred eighty (180) calendar days without pay, sixty (60) of which shall not be imposed provided that the remaining one hundred twenty (120) calendar days without pay shall be served commencing Thursday, September 1, 1983 at 0001 hours and terminating on Thursday, December 29, 1983 at 2400 hours.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS LINDA PRANSKY, CSR)

THE MEETING WAS THEN ADJOURNED AT 10:15 P.M.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

31 AUGUST 1983 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 31, 1983 at 1630 hours in Executive Session.

PRESENT: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

1. Attorney-Client Conference

Commissioner Sanchez presiding.

31 AUGUST 1983 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, August 31, 1983 at 1730 hours in Regular Session.

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLATION OF TRAFFIC ZONES ON THE PUBLIC STREETS

4201 18th ST (COLLINGWOOD ST) "CALA FOODS" GRANT

At 110 Collingwood Street, INSTALL 28' Special Truck Zone from the south property line of 110 Collingwood, 28' north (ALSO, repaint 43' Yellow Zone south of the south line of 120 Collingwood Street).

353 SACRAMENTO ST (FRONT ST) "MILLER-KLUTZNICK" GRANT

At 353 Sacramento Street, INSTALL 44' White Zone from the east property line 44' west. REMOVE Meters #317 through #319.

150 4th ST (MINNA ST) "HEALD COLLEGE" GRANT

At 150 4th Street, INSTALL 22' Blue Zone from 161' to 183' north of Howard Street. REMOVE Meter #144.

1010 GOUGH ST (WILLOW ST) "FAMILY SERVICE AGENCY" GRANT

At 399 Willow Street, INSTALL 22' Blue Zone from 20' to 42' east of Gough Street on Willow Street.

781 BEACH ST (LARKIN ST) "781 BEACH PROPERTIES" GRANT

At 781 Beach Street, INSTALL 18' White Zone from 104' to 122' east of Larkin Street.

3601 LYON ST (PALACE DR) "EXPLORATORIUM GRANT

REPAINT existing illegal 24' diagonal parking Blue Zone and install signs (west entrance). REPAINT existing illegal 24' right angle parking Blue Zone and INSTALL signs (north entrance).

1660 PINE ST (VAN NESS AV) "DEOVLET & SONS" GRANT

At 1656 Pine, INSTALL 22' Yellow Zone from 211' to 233' west of Van Ness Avenue, REMOVE Meter PIN 1626.

220 9th ST (HOWARD ST) "CITY FIRE CONTROL" GRANT

At 220 9th Street, INSTALL 22' SPECIAL TRUCK ZONE from 103' to 125' south of Howard Street on 9th Street. SIGN to be installed on Meter 212 (7 a.m. - 11 a.m.)

1299 PACIFIC AV (LEAVENWORTH ST) "SFPD" REVOKE

At 1299 Pacific Avenue, REVOKE 18' Yellow Zone from 10' to 28' east of Leavenworth.

290 LOMBARD ST (MONTGOMERY ST) "SFPD" REVOKE

At 290 Lombard Street, REVOKE 16' White Zone in between driveways.

17 POWELL ST (EDDY ST) "POWELL HOTEL" REVOKE

At 28 5th Street North, REVOKE 20' White Zone from 20' to 40' north of the south building line. INSTALL one (1) 20-minute meter. 20' White Zone to remain from 0' to 20' north of south building line. REPAINT

145 COLUMBUS ST (JACKSON ST) "SFPD" REVOKE

At 145 Columbus Street, REVOKE 21' White Zone from 4' to 25' south of north building line. INSTALL one (1) One-Hour Meter.

450 6th ST (HARRISON ST) "SFPD" REVOKE

At 450 6th Street, REVOKE 30' White Zone north of south property line.

450 BALBOA ST (6th AV) "SFPD REVOKE

At 450 Balboa Street, REVOKE 22' Green Zone from 22' to 44' east of 6th Avenue.

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 105 feet of green, blue, yellow and white zones at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE CITY ATTORNEY OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO:

RESOLUTION NO. 958-83

CAROLYN RICHARDSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carolyn Richardson against the City and County of San Francisco in the sum of $183.93 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 28, 1981

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 959-83

ARTHUR & SUZANNE FISHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arthur & Suzanne Fisher against the City and County of San Francisco in the sum of $36.80 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 8, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 960-83

EVANS WOO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Evans Woo against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved..

Date of Incident: July 18, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 961-83

TRACI DEES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Traci Dees against the City and County of San Francisco in the sum of $53.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 15, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 962-83

GEORGIA JURICKOVICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Georgia Jurickovich against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 26, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 963-83

JOAN REYNOLDS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joan Reynolds against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 19, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 964-83

SALLY GEORGE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sally George against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 19, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 965-83

REBECCA ALLEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rebecca Allen against the City and County of San Francisco in the sum of $59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 25, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 966-83

DEBBIE L. SESKIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Debbie L. Seskin against the City and County of San Francisco in the sum of $59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 19, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 967-83

STEPHAN WASSMANN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephan Wassman against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 5, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 968-83

WILLIAM KREMEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Kremen against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 1, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 969-83

THOMAS A. STURM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas A. Sturm against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 16, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 970-83

SHIN-SHIN LIU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shin-Shin Liu against the City and County of San Francisco in the sum of $77.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 20, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 971-83

AVERY DILES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Avery Diles against the City and County of San Francisco in the sum of $77.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 972-83

MARK ENDERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Enders against the City and County of San Francisco in the sum of $96.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 6, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 973-83

ELIZABETH P. WEDI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth P. Wedi against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 19, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 974-83

RONALD J. RATTI, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald J. Ratti, Jr. against the City and County of San Francisco in the sum of $50.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 15, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 975-83

JONATHAN F. CHOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathan F. Chow against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 15, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 976-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 24, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 977-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 8, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 979-83

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved:

Joyce Farrow, Principal Clerk)	$165.00	(Managerial Techniques (for Secretaries Seminar (San Francisco, California (August 11, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 978-83

AUTHORIZING ATTENDANCE OF INSPECTOR GEORGE MATELLI, INVESTIGATIONS BUREAU, AT THE LAW ENFORCEMENT COMPUTER SYSTEM COURSE IN LONG BEACH, CALIFORNIA FROM SEPTEMBER 7 TO SEPTEMBER 9, 1983

RESOLVED, that the recommendation of the Chief of Police that Inspector George Matelli, Investigations Bureau, be authorized to attend the Law Enforcement Computer System Course, conducted by the California State University, Long Beach, Center for Criminal Justice Research and Training, in Long Beach, California from September 7th to September 14, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by the above-named member of the Police Department in the sum not to exceed $460.00 for tuition, subsistence and travel are reimbursable by POST.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 980-83

ANTHONY FRANCAVILLA

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Anthony Francavilla in the sum of $7,000.00 in United States District Court Action No. C83-0671 entitled "Anthony Francavilla vs. City and County of San Francisco, et al," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 9, 1981

AYES: Commissioners Daly, Nelder, Murphy, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 981-83

YOUNG IN LEE

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Young In Lee in the sum of $5,000.00 in Superior Court Action No. 800-550, entitled "Young In Lee, et al, vs. City and County of San Francisco, et al," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 21, 1982

AYES: Commissioners Daly, Nelder, Murphy, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 982-83

JAMES FESTA

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of James Festa in the sum of $2,942.00 in Municipal Court Action No. 847-249 entitled "Festa vs. City and County of San Francisco," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 2, 1981

AYES: Commissioners Daly, Nelder, Murphy, Sanchez
ABSENT: Commissioner Toler

POLICE COMMISSION REPORT

DISCUSSION REGARDING PSYCHOLOGICAL TESTING PROCEDURE

Deputy Chief Shannon said this item concerns the Department's recommendation to the Civil Service Commission and in all actuality it is the Department's request to them to honor the Department's contract for Psychological Testing of Recruit Officers. He said there have been some recruit officers who exhibited psychological problems. Some never appeared before the Commission. He said one resigned and one in effect shot himself while he was in recruit school. He said what psychological testing hopes to do is to reduce the number of people coming into the Department who manifest problems such as this and also reduce the cost to the City by not hiring these people. He said Sergeant Al Benner and Dr. Michael Roberts are present to address the Commission's specific questions.

Commissioner Murphy said the information she received on this item looks as though it has already been considered by the Civil Service Commission. She said it appears that the Police Commission was circumvented in that it went to the Civil Service Commission prior to being presented to the Police Commission. She said the report that the Commission received refers to the Civil Service Commission only.

Commissioner Sanchez said evidently there has been formal discussion between the Civil Service Commission and the Department pertaining to the proposed contract including the validity of it and/or lack of same and correlations between different types of sub-sets used in the design and outcomes that have never been brought before the Police Commission. He said questions answered in the report appears to be in response to the Civil Service Commission so therefore they have already had time to ask specific questions which have been responded to and the Police Commission which will ultimately be held accountable for any actions or mis-actions or failures or suits by individuals who are denied access and have never really had the opportunity to sit down and listen to the presentation including any questions this Commission may have or perhaps addressed to the Department or to the proposed contractors who are submitting this proposal with evidently, the Police Commission's consent or lack of consent to the Civil Service Commission. He said the Commission is held accountable for the day-to-day operation including the management of the Police Department under the City Charter as to what the Department is doing, including the contracting out of one of the most critical services namely the psychological assessment of officers and what the validity and reliability will be. He said the Commission would like to hear what it is and it has never been given that opportunity. He said so this is an opportunity this afternoon to listen to the presentation and take it under consideration and do whatever thereafter.

Sergeant Al Benner said he thought he might be the guilty party as far as confusion is concerned. He said they had an initial meeting with the Civil Service Commission and the matter was put over. He said shortly after that time there were some concerns verbally raised by Civil Service Commissioner Carlotta Del Portillo, who said she was also going to put them in writing. He said then it became an item to put before the Police Commission and when he suggested to the Contractor that they respond to them, and they did, he wanted to present them to the Commission after the report he had already sent to the Civil Service Commission under the belief that a number of the concerns that Commissioner Del Portillo raised, which were good ones, would also be concerns that the Police Commission had on this and would also be material that the Commission would find helpful.

Commissioner Murphy said it went further than that, for example, (1) he took it to the Civil Service Commission before bringing it to the Police Commission; (2) she said she personally spoke with Commissioner Del Portillo who was as upset about this as she (Commissioner Murphy) was because when she (Commissioner Del Portillo) finally got a copy of the material, she was surprised to see the cost being $85,000 for just this program. Commissioner Murphy said "Here you have the President of the Police Commission who has a PhD. in psychology and he had never seen the proposal either." Commissioner Murphy said the amount for the project was passed by the Commission in the Department's budget some years ago and that she has no quarrel with the concept, but the method in which it has been handled is what she took issue with.

Dr. Michael Roberts, then addressed the Commission. He said he was the psychologist who had been recommended by the Department to administer the program. He said he has been doing this type of work in the San Jose Police Department since 1971. During that period the San Jose Police Department has had an increase in sworn strength, an actual increase of police officers of almost 100%. Also during the same time period, he said they have experienced a reduction of citizens complaints against officers of over 50%. He said in the most recent past, early 1983, the San Jose Police Department received an award or notification by the U.S. Civil Rights Commission that in fact that Department had the most improved relationships between the minority community and the San Jose Police

Department in the United States. He said he thinks the psychological program made a direct contribution in this respect. He said to his knowledge there has never been an officer in agencies that he has screened for and have been passed through the psychological end of those departments, have been terminated for cause. He said they are now able to demonstrate very clearly with some of the data before the Commission that they can improve the selection of officers who are likely to be successful through probation; however, some of the people they suggest are going to have difficulty but more times than not they do make it.

Commissioner Daly, while looking over the material submitted on the program, said that there is nothing here in the selection process that can be seen now that is a likelihood where if we look back 10 years from now into certain characteristic of a person who applied and was not psychologically able to be selected, or is reasonably most likely to have an accident before retirement, or who is most likely to cost the Department a lot of money because of illness in either of the documents submitted to the Commission. Neither is there anything that would assure her that previous life history of an individual in relationship to Gay people would not be a real problem or that the program wouldn't be discouraging people to apply who may have impulse control or a lack of integrity.

Dr. Roberts said that they (he and staff) have been keeping track of officers who came in the San Jose Police Department for 12 years. He said they have 500 officers whose careers they have tracked for 10 years, analyzed, and they now have the ability to address those who received usually high numbers of citizens complaints. Also, of those received are sustained, vehicle accident records, Department commendations, citizens commendations, sick leave and, of course, whether they leave on their own or stay with the Department. He said therefore, they can address exactly those suitability issues that the Police Commission is concerned about. He said there is a table that is not included in the documents held by the Commissioners of the relatively small population of Gay applicants to the San Francisco Sheriff's Department that he and his staff has screened. He said they have evaluated approximately 53, and of those 53 applicants 1/3 were homosexual male or female, and out of that group a significantly smaller population were recommended against for hire than for the straights. He said what they were looking for is no adverse impact on the Gay population in that sample out of San Francisco. He said that most police agencies do not have homosexuals that are male applying to them. San Francisco, he said, of course will be an exception to that. He said of over 12,000 testings, they have had only about a half a dozen in other agencies not in San Francisco. He said the Gay female police population is entirely different in that a significant proportion of the female police officers in other agencies, San Jose; Lakewood, Colorado; Orlando, Florida; and Palo Alto are homosexual or have been at some point since they have matured, and they have definitely, so far, demonstrated above average success as officers. He said they are not a problem and that in fact, in the case of the female homosexual, it is almost like a bonus point; they tend to turn out better than the straight females.

Commissioner Sanchez said that the Commission's concerns were procedural. He said this discussion before the Commission was a forum of another assessment model which the Commission could certainly entertain. He said the Commission had just received this material and had not had a chance to really peruse it, but he thought Dr. Roberts' presentation was well done.

He said to Dr. Roberts that this is in no way an inquisition pertaining to the Doctor's qualifications or as to his distinguished record in law enforcement. He said it is a question of process and a chance for the Police Commission to review the matter, ask questions and finish reading it and perhaps coming in next week and voting it out.

Commissioner Murphy then moved that it be continued for one week, seconded by Commissioner Toler and unanimously approved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said that the crime rate was down significantly, 7.1% to be exact.

DISCUSSION: PRIVATE PATROL vs. PATROL SPECIAL OFFICER JURISDICTIONAL AUTHORITY FOR THE PROVISION OF PATROL SERVICES IN THE PARK MERCED AREA

Deputy Chief Shannon addressed this subject and suggested that the Commission take steps as outlined in an intra-departmental memorandum submitted to them by Deputy Chief George Eimil regarding this matter. The Commission then called upon those persons present who wished to speak, to come to the microphone.

Mrs. Janice Tolbert, a resident of Park Merced, then came forth and said she was not a political activist or anything of that sort, but that she saw an injustice in Park Merced that needed to be corrected and decided to do something about it and that is why she was here. She said this injustice is committed by the Special Police and their attitude and behavior towards the young people who live in Park Merced. She said there are two incidents she would speak about, and one is of a 13 year old who was accused of throwing eggs at someone's residence. She said the Special Policeman told her parents that he wanted to question her at the administration building. She said the officer took her there and while there, he did not question her but molested her. She said the other incident had to do with a 16 year old, who, while en route home, was stopped by the Special Police and accused the youngster of breaking and entering into an apartment. She said the Taraval Police Officers responded and the youngster was taken to Youth Guidance Center and was locked up for three days without notification being made to his parents. She said after the third day he was told there was not sufficient evidence to continue to hold him and he was released. She said these are the sort of things that have been going on for a number of years. She said she wondered if the Commission wanted this type of policeman representing the Police Department. She continued by asking what kind of assurances can they, the police of Park Merced, have that this illegal activity and unethical behavior will not continue in the future with Officer Fred Grenci and his police officers.

Commissioner Nelder said that some of the recommendations that were made to the Commission by Chief Murphy and his staff will correct many of the problems that Mrs. Tolbert has outlined. He said to the Chief that the Department has to make a clarification or investigation at this point regarding the alleged child molestation as pointed out by Mrs. Tolbert.

Other speakers were Mrs. Tolbert's son, Gary, Mr. Dave Jarvis, and another youth 14 years of age named Anthony, who spoke of the alleged harassment he received by Patrol Special Officer Grenci's assistants.

Officer Grenci then spoke in answer to the complaints of Mrs. Tolbert, and said the alleged molestations of the 13 year old female was investigated by Internal Affairs. He said the officer was asked to either resign or face a hearing on the issue and he chose to resign.

Chief Murphy said he would look into the incidents as alleged by Mrs. Tolbert and report his findings to the Police Commission and Mrs. Tolbert.

Commissioner Nelder then said that the Chief and the Deputy Chief have submitted the following recommendations to solve the problems in Park Merced. He said he would hope that the people who have a concern are listening. He then read the recommendations into the record.

1. That the Secretary of the Police Commission inform the management of Park Merced of the City Attorney's opinion that requires the employment of a Patrol Special Officer when patrol of the public streets are desired.

2. That the residents of this area be informed of the crime rate and response time of the police in their areas to allay fears that apparently have been generated by articles appearing in the local press that this is a high crime area. Captain Jordan, Police Community Services Division, has been directed to meet with the groups and provide them with this information.

3. That in the event Park Merced again employs the services of a Patrol Special Officer that the Patrol Special Officer be informed that he will be responsible for the conduct of the officers that he employs and that failure to exercise strict control will resolve in the Commission taking appropriate action to relieve him of said beat.

4. That all said officers employed by the Patrol Special Officers receive appropriate training.

5. That the appropriate procedures be developed to inform residents of Park Merced of the procedures in reporting any misconduct by Patrol Special Officers, and

6. That a City-wide review by the Police Commission of the entire Patrol Special Officer operation be conducted and the adoption of the Rules previously submitted by the Chief of Police.

He then said to the Chief that the matter was really within his province to take the necessary action to be assured that those people get the kinds of protection that everybody else gets, and if there are problems they should be improved upon. He then moved that it be continued for 60 days. Commissioner Toler seconded and it was unanimously approved.

RECOMMENDATION OF THE CHIEF OF POLICE THAT MR. EDWARD L. JUNG'S APPLICATION TO OPERATE A JITNEY BUS ON THE THIRD STREET JITNEY BUS ROUTE BE DENIED. (CONTINUED FROM MEETING OF AUGUST 10, 1983)

Mr. Jung said he had just received a copy of the City Attorney's Opinion this afternoon from Officer Lamont Suslow and he would like time to present it to his attorney so both he and his attorney can study it and make a decision thereafter.

Commissioner Nelder then moved that it be put off calendar. Commissioner Daly seconded and it was unanimously approved.

REQUEST OF THE CHIEF OF POLICE ASKING THAT THE POLICE COMMISSION CONSIDER APPROVING A DIFFERENT TYPE OF VEHICLE AS AN ALTERNATIVE TO THE VANS AND MAXI-VANS CURRENTLY BEING USED. (CONTINUED FROM MEETING OF AUGUST 17, 1983)

Chief Murphy said that it was his feeling that the jitneys should be able to accommodate 15 people and by going to a larger

vehicle, they would be creating more congestion on the street which would not be appropriate. He said he would therefore recommend denial on this matter.

Commissioner Nelder said the Commission did not have any alternative when the Chief is responsible for policing the traffic on the streets of San Francisco. He would make a motion to deny this request. Commissioner Toler seconded.

RESOLUTION NO. 1118-83

REQUEST OF SEVERAL JITNEY BUS PERMITTEES THAT THE POLICE COMMISSION CONSIDER APPROVING A DIFFERENT TYPE OF VEHICLE AS AN ALTERNATIVE TO THE VANS AND MAXI-VANS CURRENTLY BEING USED AS JITNEY BUSES

WHEREAS, several Jitney bus permit holders filed written requests asking permission to use a different type of vehicle as an alternative to the vans and maxi-vans currently being used; and

WHEREAS, the permit holders in their requests stated that the proposed vehicle affords more head room which would thereby increase the comfort, safety and convenience of the riding public, amounting to substantial fuel economy and a commensurate reduction in expenses; and

WHEREAS, during the Police Commission hearing on this subject it was brought to the attention of the Commissioners that the proposed new vehicle would allow the possibility of standees as passengers, and inevitably increasing the passenger capacity above and beyond the allowable limit; and

WHEREAS, at this time there is legislation pending before the Board of Supervisors restricting the physical size and passenger capacity of jitney buses; and

WHEREAS, the Chief of Police, having reviewed all of the ramifications and the effects of allowing a different type of vehicle then currently being used, recommended a denial of the permittees request; therefore be it

RESOLVED, that the Police Commission, having reviewed testimony and physical evidence in consideration of the request of the jitney bus permit holders to use a different type of vehicle as an alternative to the vans and maxi-vans, does hereby deny the permit holders' request; and be it further

RESOLVED, that said denial be, and the same is hereby affirmed and approved.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

PUBLIC HEARING REGARDING GENERAL ORDER R-1, "VEHICLE ACCIDENTS INVOLVING MEMBERS" (CONTINUED TO SEPTEMBER 14, 1983)

PUBLIC HEARING REGARDING GENERAL ORDER D-9, "RESPONSIBILITIES OF SUPERIOR OFFICERS" (CONTINUED TO SEPTEMBER 28, 1983)

PUBLIC HEARING REGARDING GENERAL ORDER F-2, "CODE THREE RESPONSES AND PURSUIT DRIVING" (CONTINUED TO SEPTEMBER 28, 1983)

PUBLIC HEARING REGARDING GENERAL ORDER O-6, "JURY DUTY" (CONTINUED TO SEPTEMBER 28, 1983)

HEARING OF POLICE OFFICER MICHAEL HUGHES, MUNI TRANSIT DIVISION

The matter of the hearing of Police Officer Michael Hughes, MUNI Transit Division, was called it having been continued from the meeting of August 10, 1983.

Police Officer Michael Hughes appeared in person and was represented by Mr. James Collins, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Akins.

An opening statement was reserved by Attorney Collins until the Department's caseload is concluded.

The following named witnesses were called by the Prosecution, were sworn and testified:

Officer Clyde Hinckley
San Bruno Police Department

Criminalist Richard Grybosky
Crime Laboratory

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 - One (1) metal box, green in color, 7" x 5", containing one (1) packet Sno-Seals; one (1) black strainer, one (1) packet Zig-Zag papers; one (1) metal pipe, one (1) packet containing one (1) red and one (1) white pill; two (2) baseball tickets, Giants/San Diego, 1981; One (1) razor blade container; one (1) brown container 2" in diameter and 3" high.

Exhibit #2 - One (1) photograph of Laurel & Hardy in a frame under glass, 8" x 10" with a red straw and a razor blade scotchtaped to the front of the glass.

Exhibit #3 - San Bruno Police Department Continuation Report No. 82-01866.

An opening statement was made by Attorney Collins.

The following named witnesses were called by the Defense, were sworn, and testified:

Mr. James Collins
Attorney at Law

Mr. Robert Mondine
Atherton, California

Mr. William L. Fazio
Assistant District Attorney
850 Bryant Street

After listening to testimony from the above parties, the Commission then adjourned at 2200 hours, and the matter was continued to September 7, 1983, at 5:30 p.m. in Room 551, Hall of Justice.

(Recesses taken: 2050 hours to 2100 hours)

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS LINDA PRANSKY, CSR)

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

The meeting was then adjourned at 10:00 p.m.

Lieutenant Willie R. Frazier
Secretary, THE POLICE COMMISSION

7 SEPTEMBER 1983 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, September 7, 1983 at 1730 hours in Regular Session.

PRESENT: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

Commissioner Sanchez presiding.

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO:

RESOLUTION NO. 987-83

JOHN F. WEAVER, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John F. Weaver, Jr. against the City and County of San Francisco in the sum of $125.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 4, 1982

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 988-83

VALERIE BUSBY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Valerie Busby against the City and County of San Francisco in the sum of $77.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 9, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 989-83

YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-Op, Inc. against the City and County of San Francisco in the sum of $59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 8, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 990-83

EMAM SABER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Emam Saber against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 10, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 991-83

JOHN DOTTEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Dotten against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 992-83

GRACE DEL VALLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Grace Del Valle against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 30, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION No. 993-83

KAREN M. KEENAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen M. Keenan against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 994-83

SUSANNE BENDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susanne Bender against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 3, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 995-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $68.40 as the result of damages sustained, be, and the same is hereby approved

Date of Incident: August 2, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 996-83

MARIA B. GONZALEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria B. Gonzalez against the City and County of San Francisco in the sum of $55.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 15, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 997-83

JOLIE D. PEARL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jolie D. Pearl against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 15, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 998-83

BONINA R. COHEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bonina R. Cohen against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 3, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 999-83

SUSANNA I. BARROWS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susanna I. Barrows against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1000-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 29, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1001-83

MICHAEL B. ABELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael B. Abell against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 11, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1002-83

ANDRZEJ ROMAN PACZYNSKI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrzej Roman Paczynski against the City and County of San Francisco in the sum of $68.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 8, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1003-83

GEORGE WENNERBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George Wennerberg against the City and County of San Francisco in the sum of $59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 8, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1004-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 11, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1005-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of damages sustained, be, and the same is hereby approved

Date of Incident: August 8, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1006-83

JOAN VIADA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joan Viada against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 8, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1007-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1008-83

YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-op, Inc. against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 15, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1009-83

PAUL DE PAOLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul De Paolo against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1010-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing and Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 17, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1011-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 17, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1012-83

PAUL DOUGLAS BURDICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Douglas Burdick against the City and County of San Francisco in the sum of $68.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 25, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1013-83

CLINTON WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Clinton Wong against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained be, and the same is hereby approved.

Date of Incident: May 8, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1014-83

TED GABBAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ted Gabbay against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 23, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1015-83

SHIRLEY MARTINO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shirley Martino against the City and County of San Francisco in the sum of $68.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 25/26, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1016-83

ABC TOWING AND STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 23, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1017-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $27.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 23, 1982

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1018-83

LAURA E. FELDMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laura E. Feldman against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 31, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1019-83

ANNE BYCZKOWSKI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anne Byczkowski against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 31, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1020-83

DIRK WELDON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dirk Weldon Against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 3, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1021-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing and Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanche

RESOLUTION NO. 1022-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $27.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 27, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanche

RESOLUTION NO. 1023-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $10.35 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 15, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanche

RESOLUTION NO. 1024-83

ESTHER KIM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Esther Kim against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 2, 1982

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanche

RESOLUTION NO. 1025-83

MERRILL BUDLONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Merrill Budlong against the City and County of San Francisco in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 24, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanche

RESOLUTION NO. 1026-83

ROBERT APPELBAUM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Appelbaum against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 4, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1027-83

ROBERT ENGLAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert England against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 4, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1028-83

DALE E. ORDAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dale E. Ordas against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 19, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO.1029-83

GAD BARAK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gad Barak against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 5, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1030-83

ANN BAUER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ann Bauer against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 26, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1031-83

SYLVIA SEGAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sylvia Segal against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 5, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanche

RESOLUTION NO. 1032-83

MARK CHASE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Chase against the City and County of San Francisco in the sum of $18.40 as the result of a faulty tow be, and the same is hereby approved.

Date of Incident: July 22, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanche

RESOLUTION NO. 1033-83

SHERI A. PACE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sheri A. Pace against the City and County of San Francisco in the sum of $59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanche

RESOLUTION NO. 1034-83

JEFFREY LAW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey Law against the City and County of San Francisco in the sum of $68.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 2, 1983

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanche

RESOLUTION NO. 983-83

AUTHORIZING ATTENDANCE OF CRIMINALIST MICHAEL TAN, CRIMINALISTICS DIVISION AT THE ARSON ACCELERANT DETECTION COURSE IN ROCKVILLE, MARYLAND FROM SEPTEMBER 12, 1983 TO SEPTEMBER 16, 1983.

RESOLVED, that the recommendation of the Chief of Police that Criminalist Michael Tan, Criminalistics Division, be authorized to attend the Arson Accelerant Detection Course, conducted by the Bureau of Alcohol, Tobacco and Firearms in Rockville, Maryland from September 12, 1983 to September 16, 1983 be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the above-named membe of the Police Department, will be paid by the Bureau of Alcohol, Tobacco and Firearms.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanche

RESOLUTION NO. 984-83

AUTHORIZING ATTENDANCE OF THIRTY-ONE (31) MEMBERS OF THE TACTICAL DIVISION TO ATTEND SPECIAL WEAPONS AND TACTICS REFRESHER TRAINING COURSE IN FORT ORD, MONTEREY, CALIFORNIA FOR THE MONTH OF SEPTEMBER 1983.

RESOLVED, that the recommendation of the Chief of Police that thirty-one (31) members of the Tactical Division to attend a Special Weapons and Tactics Refresher Training Course conducted by the Federal Bureau of Investigation at Fort Ord, Monterey, California during the month of September 1983, in two-day sessions as follows:

Nine (9) members will attend 09/13/83 to 09/14/83

Eleven (11) members will attend 09/15/83 to 09/16/83

Eleven (11) members will attend 09/29/83 to 09/30/83

be, and the same is hereby approved; and be it further

RESOLVED, expenses incurred by each of the members in an amount not to exceed $148.50 each for subsistence and travel are reimbursable by POST.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

APPROVAL OF THE MINUTES OF THE MEETINGS FOR APRIL 6, 13, 18, 20, 27 and MAY 4, 1983

The Commissioners having received, amended and approved copies of same.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

POLICE COMMISSION REPORT

DISCUSSION REGARDING PSYCHOLOGICAL TESTING PROCEDURES (CONTINUED FROM MEETING OF AUGUST 31, 1983)

Commissioner Sanchez said that at the last meeting on this item the Commissioners had a great many questions that were asked and answered and if the Commission had further questions, Dr. Michael Roberts and Sergeant Al Benner were present to respond.

Commissioner Daly said she would move approval of the proposal, Commissioner Nelder seconded and it was unanimously approved.

Commissioner Murphy said she felt the most important thing the Department has to test are preconceived ideas of how other people should act. She said it is how they react under stress. This is one problem that police officers have that the general public usually does not have. It is constant in their daily activities and affects their judgement. She said, also, she wanted to be sure that negative findings do not follow a young man who is in his twenties for the rest of his life as being unsuited for jobs other than police work because he did not pass one of these test administered by the Police Department.

Sergeant Benner said that it is a great concern that they all share and perhaps the Police Commission, along with the Legal Division, can try to establish procedures that will safeguard that as much as possible.

Deputy Chief Shannon said when the Department conducts background investigations of potential candidates those investigations are not available to anybody outside of the Police Department. He said it is not made a part of the members record and is separate and distinct and unless the person themselves releases those records, they are not released to anybody.

Commissioner Daly said she felt that the Commission should set up a reporting mechanism for this matter so that the Commission could always be kept apprised of just what is taking place maybe every few months.

Commissioner Nelder said he just wanted to state that he felt the necessity of psychological testing overweighs everything inasmuch as this is a very stressful occupation and that by virtue of the testing it may discourage or divert someone who is not suited for the police profession, and if a person such as this does slip through, it may be worse for that individual because if he is brought up on charges before the Police Commission and then is dismissed, it is much worse than getting terminated from a police agency which results in a very detrimental thing or stigma being attached to the person. That is what is happening in agencies that are not carefully screening those persons because the police occupation is a unique occupation and is not something that can be discounted as just another job.

Commissioner Nelder said the City has a responsibility, as has been pointed out, to make certain that all reasonable efforts have been made to be sure that persons that are emotionally and psychologically stable are persons who become police officers. He then thanked Dr. Roberts for coming and enlightening the Commission on the program and its expectations.

The Commission thereafter voted unanimously to approve the Psychological Testing Procedures.

RESOLUTION NO. 986-83

PSYCHOLOGICAL ASSESSMENT OF ENTRY LEVEL POLICE OFFICERS/APPROVE

RESOLVED, that the Police Commission hereby approves the Psychological Assessment of entry level police officers.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said he had just the usual crime report and so far this year crime is down 7.3, which is another 1/10 deduction this week over last week and, violent crime so far this year is down 11.4%.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT THE PROPOSED AMENDMENT TO CHAPTER 10-B OF THE ADMINISTRATIVE CODE

Deputy Chief James Shannon said that last November the people voted to pay police officers time and one half. He said the Administrative Code Section 10-B is the section in which the organizations like the film makers, 49ers, Giants and others are able to request police officers for service

and they pay for those officers plus an administrative fee. He said the way the section is now written, these organizations pay on a straight time basis and the Department would have to pay the difference. This amendment he said would correct that. The Commission voted unanimously to approve the amendment.

RESOLUTION NO. 1064-83

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT THE PROPOSED AMENDMENT TO CHAPTER 10-B OF THE ADMINISTRATIVE CODE - APPROVED

WHEREAS, the voters of the City and County of San Francisco have amended Section 8.451 of the Charter to provide for overtime compensation for sworn members of the Police Department at the rate of time and one half, and

WHEREAS, the City Attorney has determined that Police Department members who volunteer for and perform overtime duties as provided by Administrative Code Chapter 10-B are entitled to compensation at the rate of time and one half, now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby requests that the Board of Supervisors adopt the attached amendments to Sections 10-B.2 and 10-B.3 of Chapter 10-B of the Administrative Code which would provide for payment of funds to the City and provide the compensation of police department members performing volunteer overtime services at public facilities to be fixed at the rate of time and one half.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

REQUEST OF MR. EUGENE M. SWANN, DIRECTOR OF THE OFFICE OF CITIZEN'S COMPLAINTS, FOR PERMISSION TO ACCEPT A GIFT OF FIVE (5) PARTITIONS FROM THE LAW FIRM OF GOSHKIN, POLLATSEK, MEREDITH AND LEE, INC.

AUTHORIZING ACCEPTANCE ON BEHALF OF THE OFFICE OF CITIZEN'S COMPLAINTS, THE GIFT OF FIVE (5) OFFICE PARTITIONS FROM THE LAW FIRM OF GOSHKIN, POLLATSEK, MEREDITH AND LEE, INC.

RESOLVED, that the Police Commission of the City and County of San Francisco hereby authorize the Director of the Office of Citizen's Complaints to accept on behalf of the San Francisco Police Department's Office of Citizen's Complaints the gift of five (5) office partitions from the law firm of Goshkin, Pollatsek, Meredith and Lee, Inc.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

REQUEST FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $767,319 TO RECLASSIFY FIFTY-TWO (52) POSITIONS WITHIN THE SENIOR ESCORT PROGRAM

RESOLUTION NO. 985-83

RESOLVED, that the Police Commission hereby approves a supplemental appropriation request amounting to $767,319.00, which reclassifies 52 positions within the Senior Escort Program, per Civil Service Commission action of July 18, 1983, Calendar Item No. 1207-83 (14). The reclassifications are to occur on November 1, 1983.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION GRANT A TAXICAB PERMIT TO MR. JACK PILOSSOPH

RESOLUTION NO. 1065-83

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION GRANT A TAXICAB PERMIT TO MR. JACK PILOSSOPH

WHEREAS, the below-named person applied to the Police Commission for a declaration to the Public Convenience and Necessity for the issuance of permits to operate a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on September 7, 1983; and

WHEREAS, prior to the emergence of Proposition "K" there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission has set the number at 711 taxicab permits for the City and County of San Francisco; and

WHEREAS, the Commission has been advised by the Permit Section that the number of taxicab permits has recently decreased to 710 and should be raised to the original level of 711; therefore be it

RESOLVED, that it is the decision of the Commission to issue one (1) taxicab permit to bring the number back up to 711 taxicab permits for the City and County of San Francisco; and be it further

RESOLVED, that said permit shall be granted under and shall be revokable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to the below-named applicant:

Jack Pilossoph

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

HEARING OF POLICE OFFICER MARK E. LAHERTY, CENTRAL POLICE STATION

RESOLUTION NO. 1066-83

HEARING OF THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER MARK LAHERTY, CENTRAL STATION

WHEREAS, the hearing of Police Officer Mark Laherty, Central Station, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Jerry Akins, Attorney for the San Francisco Police Department, that the date for the hearing before the Police Commission be set for October 19, 1983, therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Mark E. Laherty, Central Station, is set for Wednesday, October 19, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

SETTING OF DATE FOR HEARING OF REQUEST OF POLICE OFFICER RAYMOND BINI FOR A RECOMMENDATION FOR INDUSTRIAL DISABILITY RETIREMENT

RESOLUTION NO. 1116-83

REQUEST OF POLICE OFFICER RAYMOND BINI TO BE RETIRED BY THE POLICE COMMISSION PURSUANT TO POLICE COMMISSION RESOLUTION 979-82, DISABILITY RETIREMENT, NOVEMBER 24, 1982

WHEREAS, Police Officer Raymond Bini, in an Intra-Departmental Memorandum, requested to be retired by the Police Commission pursuant to Commission Resolution No. 979-82, November 24, 1982; and

WHEREAS, the Police Commission placed the matter on Commission Calendar on September 7, 1983; for consideration and future hearing on Wednesday, October 12, 1983; therefore be it

RESOLVED, that the request of Police Officer Raymond Bini to be retired by the Police Commission pursuant to Commission Resolution No. 979-82, November 24, 1982, will be heard on Wednesday, October 12, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

SETTING OF DATE FOR HEARING OF THE REQUEST OF SERGEANT WALTER WATSON FOR A RECOMMENDATION FOR INDUSTRIAL DISABILITY RETIREMENT

RESOLUTION NO. 1115-83

REQUEST OF SERGEANT WALTER WATSON TO BE RETIRED BY THE POLICE COMMISSION PURSUANT TO COMMISSION RESOLUTION NO. 979-82, DISABILITY RETIREMENT, NOVEMBER 24, 1982

WHEREAS, Sergeant Walter Watson in an Intra-Departmental Memorandum requested to be retired by the Police Commission pursuant to Commission Resolution No. 979-82, November 24, 1982, and

WHEREAS, the Police Commission placed the matter on Commission Calendar on September 7, 1983 for consideration and future hearing on Wednesday, October 12, 1983; therefore be it

RESOLVED, that the request for Sergeant Walter Watson to be retired by the Police Commission pursuant to Commission Resolution No. 979-82, November 24, 1982, will be heard on Wednesday, October 12, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECEIPT OF GENERAL ORDER B-3, "EQUIPMENT" AND B-6 "UNIFORM AND EQUIPMENT CLASSES" (COPIES SENT TO EMPLOYEE ORGANIZATIONS)

RESOLUTION NO. 1071-83

DEPARTMENT GENERAL ORDER B-3, "EQUIPMENT" - APPROVED

RESOLVED, that the Police Commission hereby approves Department General Order B-3, Equipment, as revised.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1072-83

DEPARTMENT GENERAL ORDER B-6, "UNIFORM AND EQUIPMENT CLASSES" APPROVED

RESOLVED, that the Police Commission hereby approves General Order B-6, Uniform and Equipment Classes as amended.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

REQUEST OF POLICE OFFICER JEFFREY WILLIAMS, MISSION STATION, TO TAKE A LEAVE OF ABSENCE WITHOUT PAY FOR A PERIOD OF SIXTY (60) DAYS FROM SEPTEMBER 8, 1983, TO NOVEMBER 6, 1983 (PENDING HIS HEARING BEFORE THE POLICE COMMISSION

Continued to October 5, 1983.

HEARING OF POLICE OFFICER MICHAEL HUGHES, MUNI TRANSIT DIVISION (CONTINUED FROM MEETING OF AUGUST 31, 1983)

CONTINUATION OF THE HEARING OF POLICE OFFICER MICHAEL HUGHES MUNI TRANSIT DIVISION

The matter of the hearing of Police Officer Michael Hughes, Muni Transit Division, was called, it having been continued from the meeting of August 31, 1983.

Police Officer Michael Hughes appeared in person and was represented by Mr. James Collins, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses were called by the Defense, were sworn and testified:

Sergeant James Waite
Park Station

Mrs. Jean Murphy
287 Yerba Buena Avenue

Sergeant Robert Blous
Muni Transit Division

Mr. Lucien Sabella
5285 Diamond Heights Boulevard

Mrs. Marie Harrington
1714 Grant Avenue

Mrs. Kathleen Hughes
480 Greenwich Street, #3

Sergeant Croce Casciato
San Francisco Police Department

After listening to testimony from the above parties, the Police Commission than adjourned at 9:20 p.m. and the matter was continued to Wednesday, September 21, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

(RECESSES WERE TAKEN: 2018 hours to 2027 hours)

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

THE MEETING WAS THEN ADJOURNED AT 9:20 p.m.

LIEUTENANT WILLIE E. FRAZIER
THE POLICE COMMISSION

12 SEPTEMBER 1983 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Monday, September 12, 1983 at 1700 hours in a Special Meeting.

PRESENT: Commissioners Daly, Toler, Nelder, Murphy
ABSENT: Commissioner Sanchez

Commissioner Murphy presiding.

HEARING OF POLICE OFFICER EDWARD W. CALVILLO, MISSION STATION

CONTINUATION OF HEARING OF POLICE OFFICER EDWARD W CALVILLO, MISSION STATION

The matter of the hearing of Police Officer Edward W. Calvillo, Mission Station, was called it having been continued from the meeting of August 24, 1983.

Police Officer Edward W. Calvillo appeared in person and was represented by Mr. John Prentice, attorney at law.

Mr. Jerry Akins, attorney at law, appeared on behalf of the San Francisco Police Department.

The following named witnesses were called by the Prosecution, were sworn and testified:

Mr. Ken Changus
350 9th Street
Daly City, CA

Lt. David R. Winn
Mission Station

The following named witnesses were called by the Defense, were sworn and testified:

Mrs. Mary Bartholomew
558 Monterey Boulevard
San Francisco CA

Mr. Barry Gulley
1318 Quesada Street
San Francisco CA

After listening to testimony from the above parties, the Commission then adjorned at 1958 hours, and the matter was continued to September 14, 1983, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy
ABSENT: Commissioner Sanchez

HEARING OF POLICE OFFICER GARY M. FAGUNDES, NORTHERN STATION

CONINUATION OF THE HEARING OF POLICE OFFICER GARY M. FAGUNDES, NORTHERN STATION

The matter of the hearing of Police Officer Gary M. Fagundes, Northern Station, was called it having been continued from the meeting of August 24, 1983.

Police Officer Gary M. Fagundes appeared in person and was represented by Mr. Stephen Bruce Bley, attorney at law,

Mr. Jerry Akins, attorney at law, appeared on behalf of the San Francisco Police Department.

The Commission paused and denied Mr. Bley's motion.

The following named witnesses were called by the Defense, were sworn and testified:

Mr. Mary Bartholomew
558 Monterey Boulevard
San Francisco CA

Mr. Barry Gulley
1318 Quesada Street
San Francisco CA

After listening to testimony from the above parties, the Commission then adjourned at 1958 hours, and the matter was continued to September 14, 1983, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy
ABSENT: Commissioner Sanchez

HEARING OF POLICE OFFICER TERRY GAN, SOUTHERN STATION

The matter of the hearing of Police Officer Terry Gan, Southern Station, was called it having been continued from the meeting of August 24, 1983.

Police Officer Terry Gan appeared in person and was represented by Mr. Stephen Bruce Bley, attorney at law

Mr. Jerry Akins, attorney at law, appeared on behalf of the San Francisco Police Department.

The following named witnesses were called by the Prosecution, were sworn and testified:

Mr. Ken Changus
350 9th Street
Daly City CA

Lt. David R. Winn
Mission Station

An opening statement was made by Attorney Bley, who submitted a motion for dismissal on behalf of his client, stating that there is nothing in the formal charges filed to charge his client with.

Mr. Akins responded by reciting specifically why Mr. Bley's motion should be denied.

The Commission caucused and denied Mr. Bley's motion.

The following named witnesses were called by the Denfense, were sworn and testified:

Mrs. Mary Bartholomew
558 Monterey Boulevard
San Francisco CA

Mr. Barry Gulley
1318 Quesada Street
San Francisco CA

After listening to testimony from the above parties, the Commission then adjourned at 1958 hours, and the matter was continued to Septmeber 14, 1983, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy
ABSENT: Commissioner Sanchez

THE MEETING WAS THEN ADJOURNED AT 7:58 p.m.

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

14 SEPTEMBER 1983 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street on Wednesday, September 14, 1983 at 1700 hours in Executive Session.

PRESENT: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

1. Personnel Matter

Commissioner Sanchez presiding.

14 SEPTEMBER 1983 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant on Wednesday, September 14, 1983 at 1730 hours in Regular Session.

PRESENT: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

APPROVAL OF CONSENT CALENDAR

Sergeant John Newlin of the Traffic Survey Division said he would like to change Item No. 4 on the Traffic Calendar to a recommendation of denial as opposed to grant because at the last minute his office received phone calls and a letter recommending a Green Zone for Hanna's Hair Fashions and it is the Department's feeling that there would be no way for a person to go in and have a haircut or hair done in under 15 minutes. The Commission then unanimously approved this recommendation as requested by Sergeant Newlin. The Sergeant then said that speakers were present, both pro and con, on Traffic Calendar Item No. 9, Cala Foods at 18th Street, and Collingwood Street. He said there presently exist a 43 foot Yellow Zone on Collingwood to facilitate the delivery of groceries via large semi-trucks. He said what the Department is recommending is to revoke the existing 43 foot Yellow Zone and replace it with a 70 foot Special Truck Loading Zone. Speakers against this recommendation were as follows:

Mr. David Johnson Homeowner/119 Collingwood

Ms. Mariam Yokum, 115 Collingwood Street

Winsley Ashliede, 119 Collingwood Street. He submitted a petition on behalf of 140 Residents.

Charlie Yokum. 115 Collingwood Street.

The following speaker spoke in favor of the Department's recommendation, Mr. Edward Cala, Cala Foods.

After listening to testimony to the above parties, Commissioner Nelder made a motion that this matter be continued for two weeks to allow all parties concerned to get togeather and work out a solution and return to the Commission with their recommendation.

Commissioner Daly seconded and the motion was unamimously approved.

The remeining portion of the Traffic Calendar and the Consent Calendar was unanimously approved.

At this point Commissioner Sanchez said he would entertain a matter out of the regular order on the Calendar in that there was an announcement of a Public Convenience and Necessity Hearing for Sight Seeing Busses and Limousines and rather

than have a decision rendered at this point, he said, so he did want to share with those parties present tonight on this matter, that the Commission has not as yet received all of the material from the Department. He said the Department is going to request a three week continuance on this, but, because many people appeared tonight in hopes of speaking on the subject they may take the opportunity to do so now.

Officer Farrell Suslow from the Permit Section advised the Commission that this Hearing is somewhat of an extension of the one held on March and all of the data from that Hearing is somewhat of an extension of the one held on March and all of the data from that Hearing and this will be incorporated into one.

Mr. Bob Worthy from Graylines, appeared and said he was neutral on the issue and just wanted to give the Commission a fact sheet he had prepared on the subject.

Commissioner Nelder then made a motion that the matter be continued for three weeks and that at that particular time a Public Hearing be held on this subject and that those persons who want to be heard at that time be given the opportunity to speak.

Commissioner Toler seconded and it was unanimously approved.

RECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLATION OF ZONING FOR THE REGULATION OF TRAFFIC ON THE PUBLIC STREETS

312 CONNECTICUT ST (18TH ST) "GREATER LIGHTHOUSE CHURCH OF GOD IN CHRIST" GRANT

At 312 Connecticut Street, INSTALL 22' White Zone from south property line of 321 Connecticut Steet, 22' north.

1776 SUTTER ST (LAGUNA ST) "NAMIKI APARTMENTS" GRANT

At 1176 Sutter Street, INSTALL 22' White Zone from 43' to 65' west of the east property line.

6148 CALIFORNIA ST (23rd Av) "HANNAN HAIR FASHIONS" GRANT

At 6148 Californis Street, INSTALL 22' Green Zone from the west property line 22' east.

710 POWELL ST (PINE ST) "SAN FRANCISCO SUITES" GRANT

At 796 Pine Street, INSTALL 22' White Zone from 15' to 37' east of the west property line of 796 Pine Street.

321 HARRIET ST (BRYANT ST) "INN JUSTICE" GRANT

At 312 Harriet Street, INSTALL 22' Special Truck Loading Zone from the north property line, 22' south. Special Truck Loading Zone 7 a.m. to 11 a.m.

2699 18TH ST (YORK ST) "ROBERT J. NEILAN & SONS SHEET METAL" GRANT

At 607 York Street, INSTALL 26' Yellow Zone from 54' to 80' south of 18th Street on York Street.

715 HARRISON ST (3RD ST) "HARRISON STREET THEATRE & PASTARIA" GRANT

At 715 Harrison Street, INSTALL 22' Yellow Zone from the east of 715 Harrison street, 22' west.

4201 18TH ST (COLLINGWOOD ST) "CALA FOODS" REVOKE/GRANT

At 110 Collingwood Street, REVOKE 43' Yellow Zone south of the south line of 120 Collingwood Street. INSTALL 70' Special Truck Loading Zone from 49' to 119' south of 18th Street on Collingwood Street.

536 MISSION ST. (ECKER ST)"GOLDEN GATE UNIVERSITY"GRANT

At 95 Ecker Street, INSTALL 22' Blue Zone from 22' to 44' north of Mission Street.

1000 SANSOME ST (VALLEJO ST)"S.F P D." REVOKE

At 1000 Sansome Street, REVOKE 40' Green Zone from 3' to 43' north of Vallejo Street.

1000 SANSOME ST (VALLEJO ST)"S.F.P.D." REVOKE

At 1000 Sansome Street, REVOKE 36' Yellow Zone from 43' to 79' north of Vallejo Street.

1025 SANSOME ST (VALLEJO ST) "S.F.P.D." REVOKE

At 1025 Sansome Street, REVOKE 37' Green Zone from 59' to 96' north of Vallejo Street.

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 156 feet of green, blue, yellow and white zones at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIM AGAINST THE CITY AND COUNTY OF SAN FRANCISCO:

RESOLUTION NO. 1067-83

KEVIN PARENTE

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Kevin Parente in the sum of $15,000 in Superior Court No. 778-162 entitled "Kevin Parente vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 1, 1980

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT SERGEANT GARY EPPERLY, CHIEF'S OFFICE, BE AUTHORIZED TO ATTEND THE FEDERAL BUREAU OF INVESTIGATION NATION ACADEMY IN QUANTICO, VIRGINIA, FROM OCTOBER 2, 1983 TO DECEMBER 6, 1983

RESOLUTION NO. 1045-83

AUTHORIZING ATTENDANCE OF SERGEANT GARY EPPERLY, CHIEF'S OFFICE, AT THE FEDERAL BUREAU OF INVESTIGATION NATIONAL ACADEMY IN QUANTICO, VIRGINIA, FROM OCTOBER 2, 1983, TO DECEMBER 6, 1983

RESOLVED, that the recommendation of the Chief of Police that Sergeant Gary Epperly, Chief's Office, be authorized to attend the Federal Bureau of Investigation National Academy in Auantico, Virginia, from October 2, 1983 to December 6, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the abovenamed member of the Police Department in a sum not to exceed $800.00 for the purchase of required training materials and to reimbursed from the Department Training Funds.

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT SERGEANT MICHAEL SEYBOLD, LEGAL DIVISION, BE AUTHORIZED TO ATTEND THE C.P.O.E.R.T. SEMINAR, "LAW AND LEGISLATIVE IMPACT...WHERE IS THE MONEY GOING?" IN SAN DIEGO, CALIFORNIA, FROM SEPTEMBER 21, 1983, TO SEPTEMBER 23, 1983

RESOLUTION NO. 1044-83

AUTHORIZING ATTENDANCE OF SERGEANT MICHAEL SEYBOLD, LEGAL DIVISION, AT THE C.P.O.E.R.T. SEMINAR, "LAW AND LEGISLATIVE IMPACT...WHERE IS THE MONEY GOING?" IN SAN DIEGO, CALIFORNIA FROM SEPTEMBER 21, 1983 TO SEPTEMBER 23, 1983

RESOLVED, that the recommendation of the Chief of Police that Sergeant Michael Seybold, Legal Division, be authorized to attend the C.P.O.E.R.T. Seminar, "Law and Legislative Impact... Where is the Money Going?" In San Diego, California from September 21, 1983, to September 23, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the abovenamed member of the Police Department in a sum not to exceed $508.00 for tuition, subsistence and travel will be defrayed from the Department Training Fund.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT CAPTAIN RICHARD KLAPP, PERSONNEL AND TRAINING, AND CAPTAIN VICTOR MACIA, MISSION STATION, BE AUTHORIZED TO ATTEND THE P.O.S.T. EXCUTIVE DEVELOPMENT COURSE AT POMONA, CALIFORNIA, FROM OCTOBER 9, 1983 TO OCTOBER 21, 1983

RESOLUTION NO. 1043-83

UTHORIZING ATTENDANCE OF CAPTAIN RICHARD KLAPP, PERSONNEL AND TRAINING, AND CAPTAIN VICTOR MACIA, MISSION STATION, TO ATTEND THE P.O.S.T. EXECUTIVE DEVELOPMENT COURSE AT POMONA, CALIFORNIA FROM OCTOBER 9, 1983 TO OCTOBER 21, 1983

RESOLVED, that the recommendation of the Chief of Police that Captain Richard Klapp and Captain Victor Macia, be authorized to attend the P.O.S.T. Executive Development Course at Ponoma, California, from October 9, 1983 to October 21, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the abovenamed members of the Police Department in sum not to exceed $886.00 each for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT POLICE OFFICERS ROBERT FITZER AND MICHAEL PEARSON, CRIMINALISTICS DIVISION, BE AUTHORIZED TO ATTEND THE ADVANCED FIELD EVIDENCE TECHNICIAN COURSE IN LONG BEACH, CALIFORNIA, FROM OCTOBER 3, 1983 TO OCTOBER 7, 1983

RESOLUTION NO. 1046-83

AUTHORIZING ATTENDANCE OF POLICE OFFICERS ROBERT FITZER AND MICHAEL PEARSON, CRIMINALISTICS DIVISION, AT THE ADVANCED FIELD EVIDENCE TECHNICIAN COURSE IN LONG BEACH, CALIFORNIA, FROM OCTOBER 3, 1983 TO OCTOBER 7, 1983

RESOLVED, that the recommendation of the Chief of Police that Police Officers Robert Fitzer and Michael Pearson, Criminalistics Division, be authorized to attend the Advanced Field Evidence Technician Course conducted by the Center for California, from October 3, 1983 to October 7, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the abovenamed members of the Police Department in a sum not to exceed $720.64 for Officer Fitzer and $659.00 for Officer Pearson, for tuition, subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT SERGEANT RENE LaPREVOTTE NARCOTICS DIVISION, BE AUTHORIZED TO ATTEND THE CLANDESTINE DRUG LABORATORY COURSE IN SACRAMENTO, CALIFORNIA, FROM OCTOBER 4, 1983 TO OCTOBER 6, 1983.

RESOLUTION NO. 1042-83

AUTHORIZING ATTENDANCE OF SERGEANT LaPREVOTTE, NARCOTICS DIVISION, AT THE CLANDESTINE DRUG LABORATORY COURSE IN SACRAMENTO, CALIFORNIA FROM OCTOBER 4, 1983 TO OCTOBER 6, 1983

RESOLVED, that the recommendation of the Chief of Police that Sergeant Rene LaPrevotte, Narcotics Division, be authorized to attend the Clandestine Drug Laboratory Course conducted by the California Department of Justice in Sacrament, California from October 4, 1983 to October 6, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the above-named member of the Police Department in an amount not to exceed $226.00 for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT LIETUENANT FRANK HARRINGTON, OFFICER-IN-CHARGE OF NARCOTICS, BE AUTHORIZED TO ATTEND THE COMMANDER (VICE, NARCOTICS AND INTELLIGENCE) COURSE IN SACRAMENTO, CALIFORNIA, FROM OCTOBER 31, 1983 TO NOVEMBER 4, 1983

RESOLUTION NO. 1047-83

AUTHORIZING ATTENDANCE OF LIEUTENANT FRANK HARRINGTON, OFFICER-IN-CHARGE OF THE NARCOTICS UNIT, AT THE COMMANDER (VICE NARCOTICS AND INTELLIGENCE) COURSE, IN SACRAMENTO, CALIFORNIA, FROM OCTOBER 31, 1983 TO NOVEMBER 4, 1983

RESOLVED, that the recommendation of the Chief of Police that Lieutenant Frank Harrington, Officer-In-Charge of the Narcotics Unit, be authorized to attend the Commander (Vice, Narcotics and Intelligence) Course, conducted by the California

Department of Justice in Sacramento, California, from October 31, 1983 to November 4, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the abovenamed member of the Police Department in an amount not to exceed $342.00 for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT CAPTAIN RICHARD KLAPP, PERSONNEL AND TRAINING, AND LIEUTENANT RONALD JACKSON, POLICE ACADEMY, BE AUTHORIZED TO ATTEND THE P.O.S.T. BASIC COURSE CONSORTIUM MEETING IN SACRAMENTO, CALIFORNIA, FROM SEPTEMBER 27, 1983 TO SEPTEMBER 28, 1983

RESOLTION NO. 1039-83

AUTHORIZING ATTENDANCE OF CAPTAIN RICHARD KLAPP, PERSONNEL AND TRAINING, AND LIEUTENANT RONALD JACKSON, POLICE ACADEMY, AT THE P.O.S.T. BASIC COURSE CONSORTIUM METTING IN SACRAMENTO, CALIFORNIA FROM SEPTEMBER 27, 1983 TO SEPTEMBER 28, 1983

RESOLVED, that the recommendation of the Chief of Police that Captain Richard Klapp, Personnel and Training and Lieutenant Ronald Jackson, Police Academy, be authorized to attend the P.O.S.T. Basic Course Consortium Meeting, conducted by the Commission on Peace Officer Standards and Training in Sacramento, California from September 27, 1983 to September 28, 1983, be, and the same is hereby approved, and be it further

RESOLVED, that expenses incurred by the above-named members of the Police Department in a sum not to exceed $116.00 each for subsistence are reimbursable by P.O.S.T

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez announced that the Commission had met in Executive Session in accordance with the Brown Act regarding legal matters and no vote was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said he had no report for the Commission tonight.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION APPROVE THE REQUEST OF PATROL SPECIAL OFFICER KUNG KAY CHIU TO SELL PATROL SPECIAL BEAT NO. 7 TO PATROL SPECIAL OFFICER KUNG MING CHIU - (OFF CALENDAR UNTIL FURTHER NOTICE)

Deputy Chief Shannon said the parties in this matter seem to have some disagreement in that the seller is asking for an extension because he appeared without his uniform and the buyer said he was ready to buy. He said as far as the Police Department is concerned the paper work and qualifications of the buyer are all in tact. He said if there is some problem between them he would recommend continuance to allow them to work out their differences.

Commissioner Murphy made a motion to continue it off the calendar and Commissioner Daly seconded. It was then unanimously approved.

PUBLIC HEARING REGARDING GENERAL ORDER R-1, "VEHICLE ACCIDENTS INVOLVING MEMBERS."

Continued to September 28, 1983.

HEARING ON DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER PATRICK O. BURKE, INGLESIDE STATION

RESOLUTION NO. 1069-83

HEARING OF POLICE OFFICER PATRICK O. BURKE, INGLESIDE STATION

WHEREAS, the hearing of Police Officer Patrick O. Burke, Ingleside Station, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Stephen Bruce Bley, Attorney for Officer Burke, that the matter be continued to Wednesday, October 26, 1983; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Patrick O. Burke, Ingleside Station, is conitnued, to Wednesday, October 26, 1983, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

HEARING OF THE REQUEST OF SERGEANT RONALD R. KEIL, FOR A RECOMMENDATION FOR INDUSTRIAL DISABILITY RETIREMENT

RESOLUTION NO. 1068-83

DECISION - IN THE HEARING OF THE REQUEST OF SERGEANT RONALD R. KEIL, RECORDS ROOM, FOR DISABILITY RETIREMENT

WHEREAS, on June 21, 1983, pursuant to Police Commission Resolution No. 979-82, (Light Duty Policy), a petition on behalf of Sergeant Ronald R. Keil, Records Room, was submitted by the Police Officers' Association Attorney, Michael S. Hebel, requesting that Sergeant Ronald R. Keil, be retired; and

WHEREAS, the Police Commission placed the matter on Commission placed the matter on Commission Calendar for September 14, 1983 for consideration and hearing; and

WHEREAS, a hearing on said matter was held before the Polic Commission on Wednesday, September 14, 1983 and on Wednesday, September 14, 1983 the Police Commission took the matter under submission; and

WHEREAS, the Police Commission finds that the evidence presented regarding Sergeant Ronald R. Keil's request to be retired pursuant to Commission Resolution No. 979-82, November 24, 1982, was sufficient on its face to grant his request; therefore be it

RESOLVED, that it is the order of the Police Commission that Sergeant Ronald R. Keil, Records Room, has submitted sufficient evidence to justify his retirement pursuant to Commission Resolution No. 979-82; and be it further

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

HEARING OF POLICE OFFICER EDWARD W. CALVILLO, MISSION STATION

The matter of the hearing of Police Officer Edward W. Calvillo, Mission Station, was called it having been continued

from the meeting of September 12, 1983.

Police Officer Edward W. Calvillo appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses were called by the Defense, were sworn and testified:

Officer Clifford Java
Ingleside Station

Mrs. Cormelia Colburn
3330 Army Street
San Francisco, California

Officer Terry Gan
Southern Station

Mrs. O'Malley
The Gavel
15 Boardman Place

Officer Gary Fagundes
Northern Station

Officer Edward Calvillo
Mission Station

Attorney Jerry Akins presented a closing statement and Attorney John Prentice also submitted his closing statement.

Chief of Police Cornelius P. Murphy recommended termination of Officer Calvillo for Specification No. 1 and Specification No. 2.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 1036-83

DECISION - HEARING OF POLICE OFFICER EDWARD W. CALVILLO, MISSION STATION

WHEREAS, on May 24, 1983, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Edward W. Calvillo, as follows:

SPECIFICATION NO. 1

(a) At all times herein mentioned, Edward W. Calvillo, Star No. 932, was and is a police Officer employed by the San Francisco Police Department and assigned to Mission Police Station (Company D);

(b) As a police officer Officer Calvillo (hereinafter referred to as "the accused") was and is responsible for knowing and obeying the Rules, Orders, and Procedures of the San Francisco Police Department;

(c) On December 18, 1982 at or about 0215 hours, the accused, while off duty and accompanied by Officer Gary Fagundes and Officer Terry Gan (hereinafter referred to as "his two companions") became involved in an incident with a citizen

at Kerry's Restaurant located at 3330 Army Street in the City andCounty of San Francisco:

(d) After drinking in at least two different bars commencing at approximately 2200 hours on December 17, 1982 through 0130 hours on December 18, 1982, the accused and his two companions proceeded to Kerry's Restaurant for breakfast. After a verbal exchange with a citizen in the restaurant parking lot, the accused and his companions entered Kerry's Restaurant and were seated at a table near the cash register;

(e) The cititzen involved in the verbal exchange subsequently entered the restaurant and approached the cash register;

(f) The three officers then forcibly removed the citizen from inside the restaurant to the parking lot outside. Once in the parking lot, the accused struck the citizen while his two companions held the citizen's arms;

(g) The accused during this incident was wearing a tee shirt with "S.F.P.D." emblazoned across the chest and he identified himself to several witnesses at the scene of the incident with his official S.F.P.D. identification but at no time did he arrest the citizen or issue a release slip as required by California Penal Code 851.6:

(h) The conduct of the accused in taking the citizen from the restaurant and striking him is improper conduct which subverts the good order, efficiency and discipline of the Department and which reflects discredit on the San Francisco Police Department constituting a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficienct or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though which offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(i) Each and every allegation contained in paragraphs (a) through (g), inclusive, of Specification No.1, above, is hereby incorporated herein by reference as though set forth in full;

(j) While the accused and his two companions were involved in the altercation in the parking lot with the first citizen referred to in Specification No. 1, another citizen came on the scene and remonstrated the accused and his two companions with a statement to the effect, "Hey, you guys cannot do that. It's not right.";

(k) The accused then approached the second citizen, choked him and struck him;

(l) The conduct of the accused in choking and striking the second citizen is improper conduct which subverts the good order, efficiency and discipline of the Department and which reflects discredit upon the San Francisco Police Department constituting a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudical to the efficiencey and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was heard before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, May 25, 1983; Wednesday, June 1, 1983; Wednesday, June 8, 1983; Wednesday, August 24, 1983; Monday, September 12, 1983 and Wednesday, September 14, 1983 and on Wednesday, September 14, 1983 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Edward W. Calvillo, Mission Station, as contained in Specification No. 1, violation of Rule A-9 of General Order D-1 of the Rules and Procedures of the San Francisco Police Department are sustained by the evidence presented at the hearing; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Edward W. Calvillo, Mission Station, as contained in Specification No. 2, violation of Rule A-9 of General Order D-1 of the Rules and Procedures of the San Francisco Police Department are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Edward W. Calvillo, Mission Station, has violated Specification No. 1, violation of Rule A-9 of the General Order D-1 of the Rules and Procedures of the San Francisco Police Department; and for said violation he shall be dismissed from the San Francisco Police Department; and be it further

RESOLVED, that said dismissal, effective immediately, be, and the same is hereby affirmed and approved.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LINDA PRANSKY, CSR.)

AYES: Commissioners Daly, Toler Nelder, Murphy
ABSENT: Commissioner Danchez

HEARING OF POLICE OFFICER GARY M. FAGUNDES, NORHTERN STATION

The matter of the hearing of Police Officer Gary M. Fagundes, Northern Station was called it having been continued from the metting of Septmeber 12, 1983.

Police Officer Gary M. Fagundes, appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named withnesses were called by the Defense, were sworn and testified:

Officer Clifford Java
Ingleside Station

Mrs. Cormelia Colburn
3330 Army Street
San Francisco, California

Officer Terry Gan
Southern Station

Mrs, Q'Malley
The Gavel
15 Boardman Place

Officer Gary Fagundes
Norther Station

Officer Edward Calvillo
Mission Station

Attorney Jerry Akins Presented a closing statement and Attorney John Prentice also submitted his closing statement.

Chief of Police Cornilius P. Murphy recommeded a suspension of sixty (60) days for Officer Gary M. Fagundes.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 1037

DECISION - HEARING OF POLICE OFFICER GARY M. FAGUNDES, NORTHERN STATION

WHEREAS, on May 24, 1983, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Gary.M. Fagundes, as follows:

SPECIFICATION NO. 1

(a) At all times herein mentioned, Gary M. Fagundes, Star No. 1003 was and is a police officer employed by the San Francisco Police Department and assigned to Northern Police Station (Company E);

(b) As a police officer Officer Fagundes (hereinafter referred to as "the accused") was and is responisble for knowing and obeying the Rules, Orders, and Procedures of the San Francisco Police Department;

(c) On December 18, 1982, at or about 0215 hours, the accused, while off duty and accompanied by Officer Edward W. Calvillo, Officer Terry Gan (hereinafter referred to as "his two companions") became involved in an incident with a citizen at Kerry's Restaurant located at 3330 Army Street in the City and County of San Francisco;

(d) After drinking in at least two different bars commencing at approximately 2200 hours on December 17, 1982, the accused and his two campanions proceeded to Kerry's Restaurant for breakfast. After a verbal exchange with a citizen in the restaurant parking lot, the accused and his companions entered Kerry's Restaurant and were seated at a table near the cash register;

(e) The citizen involved in the verbal exchange subsequently entered the restaurant and approached the cash register;

(f) The accused and his two companions then forcibly removed the citizen from inside the restaurant to the parking lot outside. Once in the parking lot, the accused helped hold the citizen while Officer Calvillo struck the citizen;

(g) The accused during this incident identified himself to witnesses at the scene of the incident with his official S.F.P.D. Identification but at no time did he arrest the citizen or issue a release slip as required by California Penal Code 851.6;

(h) The conduct of the accused in taking the citizen from the restaurant and striking him is improper conduct which subverts the good order, efficiency and discipline of the Department and which reflects discredit on the San Francisco Police Department constituting a violation of Rule A-9 of general Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is a prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, May 25, 1983; Wednesday, June 1, 1983; Wednesday, June 8, 1983; Wednesday, August 24, 1983; Monday, September 12, 1983 and Wednesday, September 14, 1983 and the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Gary M. Fagundes, Northern Station, as contained in Specification No. 1, violation of Rule A-9 of General Order D-1 of the

Rules and Procedures of the San Francisco Police Department are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Gary M. Fagundes, Northern Station, has violated Specification No. 1, violation of Rule A-9 of General Order D-1 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violation Police Officer Gary M. Fagundes, Northern Station, shall be suspended for sixty (60) days without pay commencing on Friday, September 16, 1983 at 2400 hours.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LINDA PRANSKY, CSR.)

Recesses taken: 2031 hours to 2034 hours
2218 hours to 2235 hours
2242 hours to 2250 hours

AYES: Commissioners Daly, Toler, Nelder, Murphy
ABSENT: Commissioner Sanchez

HEARING OF POLICE OFFICER TERRY GAN, SOUTHERN POLICE STATION

The matter of the hearing of Police Officer Terry Gan, Southern Station, was called it having been continued from the meeting of September 12, 1983.

Police Officer Terry Gan appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses were called by the Defense, were sworn and testified:

Officer Clifford Java
Ingleside Station

Mrs. Cormelia Colburn
3330 Army Street
San Francisco, California

Officer Terry Gan
Southern Station

Mrs. O'Malley
The Gavel
15 Boardman Place

Officer Gary Fagundes
Northern Station

Officer Edward Calvillo
Mission Station

Attorney Jerry Akins presented a closing statement and Attorney John Prentice also submitted his closing statement.

Chief of Police Cornelius P. Murphy recommended a suspension of thirty (30) days for Officer Gan.

The Commission took the matter under submission after which the following resolution was adopted;

RESOLUTION NO. 1037-83

DECISION - HEARING OF POLICE OFFICER TERRY GAN, SOUTHERN STATION

WHEREAS, on May 24, 1983, Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Terry Gan, as follows:

SPECIFICATION NO. 1

(a) At all times herein mentioned, Terry Gan, Star No. 488, was and is a police officer employed by the San Francisco Police Department and assigned to Southern Police Station (Company B);

(b) As a police officer Officer Gan (hereinafter referred to as "the accused") was and is responsible for knowing and obeying the Rules, Orders, and Procedures of the San Francisco Police Department;

(c) On December 18, 1982, at or about 0215 hours, the accused, while off duty and accompanied by Officer Edward W. Calvillo and Gary Fagundes (hereinafter referred to as "his two companions") became involved in an incident with a citizen at Kerry's Restaurant located at 3330 Army Street in the City and County of San Francisco;

(d) After drinking in at least two different bars commencing at approximately 2200 hours on December 17, 1982 through 0130 hours on December 18, 1982, the accused and his two companions proceeded to Kerry's Restaurant for breakfast. After a verbal exchange with a citizen in the restaurant parking lot, the accused and his companions entered Kerry's Restaurant and were seated at a table near the cash register:

(e) The citizen involved in the verbal exchange subsequently entered the restaurant and approached the cash register;

(f) The accused and his two companions then forcibly removed the citizen from inside the restaurant to the parking lot outside. Once in the parking lot, the accused helped hold the citizen while Officer Calvillo Struck the citizen;

(g) The accused during this incident identified himself to witnesses at the scene of the incident with his official S.F.P.D. Identification but at no time did he arrest the citizen or issue a release slip as required by California Penal Code 851.6;

(h) The conduct of the accused in taking the citizen from the restaurant and striking him is improper conduct wihic subverts the good order, efficiency and discipline of

the Department and which reflects discredit on the San FranciscoPolice Department constituting a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

WHEREAS, a hearing on said charges was said held before Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco, on Wednesday, May 25, 1983; Wednesday, June 1, 1983; Wednesday, June 8, 1983; Wednesday August 24, 1983; Monday, September 12, 1983 and Wednesday September 14. 1983 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Terry Gan, Southern Station, as contained in Specification No. 1, violation of Rule A-9 of General Order D-1 of the Rules and Procedures of the San Francisco Police Department are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Terry Gan, Southern Station, has violated Specification No. 1, violation of Rule A-9 of Genreal Order D-1 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violation Police Officer Terry Gan, Southern Station, shall be suspended for thiry (30) days without pay commencing on Saturday, September 17, 1983 at 001 hours and terminating on Sunday, October 16, 1983 at 2400 hours.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LINDA PRANSKY, CSR.)

Recesses taken: 2021 hours to 2034 hours
2218 hours to 2235 hours
2242 hours to 2250 hours

AYES: Commissioners Daly, Toler, Nelder, Murphy
ABSENT: Commissioner Sanchez

PUBLIC HEARING RELATIVE TO PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF SIGHTSEEING BUS PERMITS - CONTINUED TO OCTOBER 5, 1983-APPLICANTS ARE AS FOLLOWS:

1. Roy L. Privett
2. Robert Clutton
3. Dennis P. Felso
4. Arnold S. Gridley
5. Thomas E. Eichler
6. Thomas J. Collins
7. Ariel A. Sharabi
8. Hugh C. Buttery

Continued three (3) weeks to Wednesday, October 5, 1983.

PUBLIC HEARING RELATIVE TO PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF LIMOUSINE PERMITS - CONTINUED TO OCTOBER 5, 1983-APPLICANTS ARE AS FOLLOWS:

1. James L. Reid
2. Milton W. Henke, Jr.
3. Charles E. Phillips
4. Charles W. Pearce
5. Masayoshi Anzal
6. Nasser Fraydouni
7. John E. Webb
8. Nino Filous

THE MEETING WAS THEN ADJOURNED AT 11:16 p.m.

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

21 SEPTEMBER 1983 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, September 21, 1983, at 1430 hours, in Executive Session.

PRESENT: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

1. Personnel Matter

Commissioner Sanchez presiding.

21 SEPTEMBER 1983 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Wednesday, September 21, 1983 at 1700 hours in Regular Session.

PRESENT: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez said today there was a meeting at John O'Connell Trade School, the last Trade School in California. He said Mayor Feinstein had requested a number of agencies to serve on a task force to deal with a number of young people. He said he had been selected to serve and he was there wearing two hats, one as a member of the Police Commission and also as a faculty member of U.C. Hospital and San Francisco General Hospital. He said a great deal of discussion was entered into as to the appropriatemess of the current curriculm based on todays needs in society. He said perhaps at some point this school may be a unique place to take a look at as far as training in Communications and other areas such as electronics and motorcycle repairs. He said it is an opportunity for this task force to try and pull together resources from the Community including goverment services, health services and Law Enforcement Services. He said he would keep the Commission and the Department abreast of any plans or perhaps involvement in the future.

On another subject, Commissioner Murphy asked the Chief what his plans were in attempt to deal with the fears and problems of the elderly in the housing projects in the South of Market area.

Chief Murphy said he had held a meeting with some of the people in that regard today. He said it is one of the lowest crime rate areas in the City. He said so far this year serious crime is down 18%. He said it is something they had been working on for over a year in anticipation of the Moscone Center opening and with the convention due to arrive there in July of next year. He said nonetheless there is a perception of the people living there that there is an overabundant amount of crime. He said the plans are to continue to meet with the people and make a realistic assessment of the problem and if necessary, when the next class graduates out of the Academy there will be additional personnel assigned to the Southern Station with the implementation of a foot patrol beat in the area at that time. He said in the mean time there are passing calls made by radio cars and surveillance patrols in the whole South of Market area.

CHIEF'S REPORT TO THE POLICE COMMISSION

The Chief said the Department is now in a test mode with the new Computer Assisted Dispatch and running a parallel program with the current system. He said if the Commissioners

would like they are welcome to come down and take a look at it. He said CAD is going to help the Department reduce response time even further and provide feedback information for managerial purposes also. He said he would suggest that the Commission set up its meeting with enough time to allow them to go down stairs and see just how the newly functioning CAD (Computer Assisted Dispatch System) is operating. He said he felt the Commissioners would find it very integesting.

HEARING OF PATROL SPECIAL OFFICER RALPH C. LACY, CENTRAL STATION

RESOLUTION NO. 1073-83

HEARING OF PATROL SPECIAL OFFICER RALPH C. LACY, CENTRAL STATION

WHEREAS, the hearing of Patrol Special Officer Ralph C. Lacy, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Mortimer McInerney, Attorney for Patrol Special Officer Ralph C. Lacy, Central Station, that the matter be continued to Wednesday, October 12, 1983; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Patrol Special Officer Ralph C. Lacy, Central Station is continued to Wednesday, October 12, 1983, at 1730 hours, in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE AWARDS COMMITTEE - APPROVED

Commissioner Nelder said last Friday, as Chairman of the Adwards Committee, they held hearings on the applicants for the Department awards ceremonies. He said they all were very outstanding as the rest of the Commission and Department will hear, the day of presentation.

Commissioner Toler seconded and the recipients were approved as follows:

RESOLUTION NO. 1070-83

RESOLVED, that the following named members of the Police Department, be, and they are hereby granted Awards of Valor---Gold Medal, Silver Medal, Bronze Medal, and Meritorious Conduct Award, under the provisions of General Order O-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, September 16, 1983.

Officer Michael F. Stasko.....Gold Medal of Valor

Airport Police Robert V. Sheehan.....Silver Medal of Valor

Sergeant Frank Harrington.....Bronze Medal of Valor

Inspector Alex E. Fagan.....Bronze Medal of Valor

Officer Michael J. Becker.....Bronze Medal of Valor

Officer Richard L. Corriea.....Bronze Medal of Valor

Housing Police John E. Bain.....Bronze Medal of Valor

Officer Daniel M. Curiel.....Bronze Medal of Valor

Officer Mark C. Donzelli.....Bronze Medal of Valor

Officer Philip M. Fleck.....Bronze Medal of Valor

Officer David W. Horton.....Bronze Medal of Valor

Officer Richard P. Janese.....Bronze Medal of Valor

Officer David P. Kucia.....Bronze Medal of Valor

Officer Daniel J. Mahoney.....Bronze Medal of Valor

Officer Paul F. Makaveckas.....Bronze Medal of Valor

Officer Douglas J. McConnon.....Bronze Medal of Valor

Officer Daniel A. McDonagh.....Bronze Medal of Valor

Officer Ronald D. Morrison.....Bronze Medal of Valor

Officer William W. Murphy.....Bronze Medal of Valor

Officer Richard B. Parry.....Bronze Medal of Valor

Officer Steven J. Ravella.....Bronze Medal of Valor

Officer Richard J. VanKoll.....Bronze Medal of Valor

Officer Jere M. Williams.....Bronze Medal of Valor

Inspector Robert L. Peterson.....Metitorious Conduct Award

Officer Robert J. DelTorre.....Meritorious Conduct Award

Officer Ronald Roth.....Meritorious Conduct Award

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RESOLUTION NO. 1070/A-83

REWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 0-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, September 16, 1983; and

WHEREAS, Chief of Police Cornelius P. Murphy, has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405 (a) (4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Police Officer Michael F. Stasko, be, and he is hereby awarded a Gold Medal of Valor and granted a reward of $200 as provided for under said section of the Charter; and be it further

RESOLVED, that Police Sergeant Frank Harrington, Housing Police Officer John E. Bain, Police Inspector Alex E. Fagan, Police Officer Michael D. Becker, Police Officer Richard L. Corriea, Police Officer Daniel M. Curiel, Police Officer Mark C. Donzelli, Police Officer Phillip M. Fleck, Police Officer David W. Horton, Police Officer Richard P. Janese, Police Officer David P. Kucia, Police Officer Daniel J. Mahoney, Police Officer Paul F. Makaveckas, Police Officer Douglas J. McConnon, Police Officer Daniel A. McDonald, Police Officer Ronald D. Morrison, Police Officer William W. Murphy, Police Officer Richard B. Parry, Police Officer Steven J. Ravella,

Police Officer Richard J. Vankoll, and Police Officer Jere M. Williams, be, and they are hereby awarded Bronze Medals of Valor, and granted a reward of $50 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Police Inspector Robert L. Peterson, Police Officer Robert J. DelTorre, and Police Officer Ronald Roth, be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of $50 each, as provident for under said section of the Charter.

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION AMEND ARTICLE 11.2, PART II, CHAPTER VIII OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE) PERTAINING TO THE REGULATION OF ADULT THEATRES AND ADULT BOOKSTORES

Mr. Lawrence Wilson of the Department's Legal Office appeared on this Item and apprised the Commission that this amendment had been drafted by Deputy City Attorney Paula Jesson and himself after a great deal of consultation with the Vice Crimes Division and Deputy Chief Eimil. He said the Chief is recommending it to the Commission for the Commission's approval.

Commissioner Murphy moved for approval, seconded by Commissioner Toler and it was unanimously approved.

RESOLUTION NO. 1041-83

AMENDMENT TO ARTICLE 11.2, CHAPTER VIII OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE) PERTAINING TO THE REGULATION OF ADULT THEATRES AND ADULT BOOKSTORES - APPROVED

WHEREAS, the regulation of certain types of adult entertainment can better be accomplished by changing the definition of an adult theatre in Article 11.2 of the Police Code; and

Whereas, this change in definition eliminates the need for regulation of activities hithertofore regulated by Article 15.5 of the Police Code; and

WHEREAS, the need to regulate theatres as defined in Article 11.1 of the Police Code no longer exists; therefore be it

RESOLVED, that the legislation as presented to the Police Commission be amended by changing paragraphs (e) and (f) to (g) and (h) adding two paragraphs to Section 791.16 thereof to read as follows:

(e) No patron shall in any manner or fashion touch any employee employed for the purpose of provided entertainment, or allow any employee to touch him or her while on the theatre premises.

(f) No employee shall, at any time in an adult theatre, while employed for the purpose of providing entertainment in any manner or fashion, touch another employee employed for the purpose of providing entertainment, in any manner which is distinguished or characterized as relating to "Specified Sexual Activities" as hereinabove defined:

and, be it further

RESOLVED, that the Police Commission recommends to the Board of Supervisors the adoption of the attached legislation repealing in part and amending in part Article 11.2, Part 11, Chapter VIII of the San Francisco Municipal Code, and repealing Articles 11.1, and 15.5 of Part II, Chapter VIII of the San Francisco Municipal Code:

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

PUBLIC HEARING REGARDING GENERAL ORDER B-3, "EQUIPMENT"

RESOLUTION NO. 1071-83

DEPARTMENT GENERAL ORDER B-3, "EQUIPMENT" - APPROVED

RESOLVED, that the Police Commission hereby approves Department General Order B-3, Equipment, as revised.

AYES: Commissioners Daly, Toler, Nelder, Murphy Sanchez

PUBLIC HEARING REGARDING GERNERAL ORDER B-6, "UNIFORM AND EQUIPMENT CLASSES"

RESOLUTION NO. 1072-83

DEPARTMENT GENERAL ORDER B-6, "UNIFORM & EQUIPMENT CLASSES - APPROVED

RESOLVED, that the Police Commission hereby approves General Order B-6, Uniform and Equipment Classes as amended.

AYES: Commissioners Daly, Toler Nelder, Murphy, Sanchez

HEARING OF POLICE OFFICER MICHAEL HUGHES, MUNI TRANSIT DIVISION (CONTINUED FROM MEETING OF AUGUST 31, 1983)

The matter of the hearing of Police Officer Michael Hughes MUNI Transit Division, was called it having been continued from the meeting of September 14, 1983.

Police Officer Michael Hughes appeared in person and was represented by Mr. James Collins, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses appeared for the Defense, were sworn, and testified:

Officer Michael Hughes
MUNI Transit Division

Mr. Renee Mariluch
P. O. Box 921
Paradise, California

The following exhibits wre entered into evidence by the Defense:

Exhibit A - Order No. 122558, dated July 20, 1983, Municipal Court Northern Judical District, San Mateo County, Termination Division and dismissing action pursuant to Section 1000.3, of the Penal Code of California.

The following witness appeared for the Prosection, was sworn and testified.

Mr. George Butterworth
District Attorney's Office

Closing statements were made by both the Prosecuting and Defense Attorneys.

Chief of Police Cornelius P. Murphy recommended ninety (90) days' suspension, sixty (60) of which should be suspended and thirty (30) days imposed.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 1039-83

DECISION - HEARING OF POLICE OFFICER MICHAEL HUGHES MUNI TRANSIT DIVISION

WHEREAS, on July 20. 1982, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Michael Hughes, MUNI Transit Division, as follows:

SPECIFICIATION NO. 1

(a) At all times mentioned herein, Michael Hughes, Star No. 1374, was and is a police officer employed by the San Francisco Police Department and assigned to the MUNI Transit Division;

(b) As a police officer, Officer Hughes, (hereinafter, the accused,) was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;

(c) On July 22, 1982, Officers from the San Bruno Police Department responded to 3815 Susan Drive, Apartment B-5, in the City of San Bruno, the residence of the accused and under his control; on a call of a burglary in progress;

(d) The San Bruno officer, who initially responded to the burglary call, entered the apartment and subsequently spoke with the accused by telephone;

(e) When the accused asked if a television was missing, the officer responded that it was in fact missing;

(f) Another San Bruno officer responded to the apartment to assist in the search for a suspect in the burglary and to determine if additional property may have been taken:

(g) While in a bedroom in Apartment B-5, the second officer observed two clear plastic bags, which appeared to contain marijuana, on a dresser and a green box in front of the closet which contained white pills;

(h) The contents of the two plastic bags were subsequently determined to be marijuana and the white pills, which were sixty-four in number, were subsequently determined

(i) Possession of marijuana and possession of quaaludes and crimes as defined in the California Health and Safety Code;

(j) On July 22, 1982, the accused was subsequently arrested for possession of marijuana and for possession of quaaludes;

(k) By possessing marijuana and quaaludes, the accused failed to prevent crime which constitutes a violation of Rule A-1 of General Order D-1 of the San Francisco Police Department which states:

"The basic mission of the Police Department and of all of its members is to protect life and property, to preserve the peace to prevent crime, to enforce criminal laws and ordinances, to regulate non-criminal conduct as proveded by law or ordinance. Members shall, while on-duty, devote their entire time to the achievement of this mission within the context of their respective assignments."

SPECIFICATION NO. 2

(a) Each and every allegation continued in paragraphs (a) through (k) of Specification No. 1, are hereby incorporated by reference as though each were fully set forth herein;

(b) By failing to prevent crime and by subsequently being arrested by an officer of the San Bruno Police Department, the accused engaged in conduct which tends to subvert the good order, efficency, or discipline of the Department or which reflects discredit upon the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"And breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punished by the Board."

ınd

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 31, 1983; Wednesday, September 7, 1983; and Wednesday, September 21, 1983, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Michael Hughes, MUNI Transit Division, as contained in Specification No. 1, Rule A-1 of General Order D-1, are sustained by evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Michael Hughes, MUNI Transit Division, has violated Specification No. 2, Rule A-1 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violation Police Officer Michael Hughes, MUNI Transit Division, shall be suspended for ninety (90) days, sixty (60) of which shall be suspended and thirty (30) working days shall be imposed without pay commencing Thursday, September 22, 1983 at 0001 hours and terminating on Wednesday, November 2, 1983 at 2400 hours, and further, that Officer Hughes shall satisfactorily complete a one-year probation period with a review of his performance after on year and upon satisfactory completion, the sixty (60) days' suspension held in abevance shall be dismissed.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LINDA PRANSKY, CSR.)

Recess taken: 1925 hours to 1930 hours
2043 hours to 2056 hours
2100 hours to 2105 hours

AYES: Commissioners Daly, Toler, Nelder, Murphy, Sanchez

THE MEETING WAS THEN ADJORNED AT 2115 HOURS

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

28 SEPTEMBER 1983 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, September 28, 1983 at 1730 hours in Regular Session.

PRESENT: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLATION OF ZONING FOR THE REGULATION OF TRAFFIC ON THE PUBLIC STREETS

Sergeant Newlin, Traffic Survey Division, regarding the Traffic Calendar portion of the Consent Calendar, said no one was present tonight to protest any of the Traffic Survey Division's recommendations. However, he said the problem the Division had two weeks ago regarding the Cala Foods matter was abated. He said a meeting was held between all parties concerned and everything is now in order. He said Mr. Cala gave a little bit and the Community gave a little bit and they were thereafter able to end up with a satisfactory solution.

1012 MISSION ST (6th ST) "DVORSENS" GRANT

At 1012 Mission, INSTALL 22' Special Truck Loading Zone 75' to 97' west of 6th Street. REMOVE Meter #1010.

180 FAIR OAKS (23rd ST) "URBAN DEVELOPMENT" GRANT

At 180 Fair Oaks, INSTALL 22' White Zone from 31' to 53' north of 23rd Street on Fair Oaks.

650 JACKSON ST (BECKETT ST)"PING YUEN BAKERY" GRANT

At 650 Jackson Street, INSTALL 22' White Zone from 69' to 91' east of Beckett Street. REMOVE Meter Jack 626.

1425 SANSOME ST (GREENWICH ST)"LEVI PLAZA MARKET"GRANT

At 1425 Sansome Street, INSTALL 22' Yellow Zone from 12' to 34' north of Greenwich Street on Sansome Street.

1475 SANSOME ST (LOMBARD ST) "MEADERS CLEANERS" GRANT

At 1475 Sansome Street, INSTALL 22' Green Zone from 78' to 100' south of Lombard Street on Sansome Street.

439 CORTLAND AV (BENNINGTON ST)"ARROW PHARMACY" GRANT

At 439 Cortland Avenue, INSTALL 22' Yellow Zone from the west property line 22' east.

2266 CALIFORNIA ST(BUCHANAN ST) "S.F. DAY SCHOOL"GRANT

At 2266 California Street, INSTALL 22' White Zone from the east property line 22' west.

99 JACKSON ST (BROADWAY) " GOLDEN GATEWAY NORTH"GRANT

At 640 Davis Street, INSTALL 42' White Zone from 154' to 196' south of Broadway.

99 JACKSON ST (BROADWAY)"GOLDEN GATEWAY NORTH"GRANT

At 640 Davis Street, INSTALL 22' Blue Zone from 132' to 154' south of Broadway on Davis Street. REMOVE Meter 616.

1075 BATTERY ST (COMMERCE ST)"THE ICE HOUSE" GRANT

At 1075 Battery Street, INSTALL 22' White Zone from 40' to 62' south of the north building line.

2183 GREENWHICH ST(FILLMORE ST)"OSTERIA ROMANA" GRANT

At 2183 Greenwich Street, INSTALL 22' Yellow Zone from 70' to 92' east of Fillmore Street on Greenwich Street. REVOKE 22' White Zone from 70' to 92' east of Fillmore Street on Greenwich Street.

4201 18th ST (COLLINGWOOD ST) "CALA FOODS" GRANT

At 110 Collingwood Street, REVOKE 43' Yellow Zone south of the south line of #120 Collingwood Street. INSTALL 50' Special Truck Loading Zone from 49' to 99' south of 18th Street on Collingwood Street. 7 a.m. to 4 p.m.

1090 BUSH ST (LEAVENWORTH ST) "S.F.P.D." REVOKE

At 1090 Bush Street, REVOKE 22' Green Zone from 43' to 65' east of Leavenworth Street.

814 MISSION ST (4th ST) "S.F.P.D." REVOKE

At 814 Mission Street, REVOKE 44' Blue Zone to extend from driveway to garage. INSTALL Meters.

1355 PACIFIC AV (LEAVENWORTH ST) "LEE MAH ELECTRONICS" DENY

At 1355 Pacific Avenue, INSTALL 22' Yellow from 33' to 55' west of the east property line of 1355 Pacific.

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 66 feet of green, blue, yellow and white zones at the parts of the City, as the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 1079-83

RAYMOND JOHN OCHOA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Raymond John Ochoa against the City and County of San Francisco in the sum of $776.00 in Small Claims Court Action No. 415-851 entitled "Raymond John Ochoa vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 7, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez

ABSENT: Commissioner Daly

RESOLUTION NO. 1080-83

TRINA SEMORILE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Trina Semorile against the City and County of San Francisco in the sum of $94.66 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 27, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1081-83

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing and Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 15, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1082-83

CINDY LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cindy Lee against the City and County of San Francisco in the sum of $59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of incident: August 10, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1083-83

JEREMIAH J. SWEENEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeremiah J. Sweeney against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 21, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1084-83

MING-SAN CHIU

RESOLVED, that the recommendation of the City Attorney

for settlement of the claim of Ming-San Chiu against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved. proved.

Date of Incident: August 19, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1085-84

JUDY HAWTHORNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judy Hawthorne against the City and County of San Francisco in the sum of $68.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1983

AYES: Commissioners Toler, Nelder, Murphy Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1086-83

IRMA SAITZEW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Irma Saitzew against the City and County of San Francisco in the sum of $96.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 8, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1087-83

LISA RUSSELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lisa Russell against the City and County of San Francisco in the sum of &68.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1088-83

NELSON B. GOUTERMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nelson B. Gouterman against the City and County of San Francisco in the sum of $59.20 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 10, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1089-83

HEIK HAMBARZUMIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Heik Hambarzumian against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 19, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1090-83

ARTHUR W. HOPPE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arthur W. Hoppe against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 22, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1091-83

MARTY ZWICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marty Zwick against the City and County of San Francisco in the sum of $59.20 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 11, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1092-83

ARTHUR J. PENTA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arthur J. Penta against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 8, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1093-83

CLARK JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Clark Johnson against the City and County of San Francisco in the sum of $59.20 as the result of

damages sustained, be, and the same is hereby approved.

Date of Incident: July 11, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1094-83

SUSAN MARTINSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Martinson against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1095-83

CHRISTOPHER B. M. HUNT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christopher B. M. Hunt against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 13, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1096-83

GLADYS N. ZYGADLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gladys N. Zygadlo against the City and County of San Francisco in the sum of $68.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1097-83

GAIL WILLINGHAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gail Willingham against the City and County of San Francisco in the sum of $68.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 17, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1098-83

CARL C. MUELLER

RESOLVED, that the recommendation of the City Attorney

for settlement of the claim of Carl C. Mueller against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1090-83

RAMIRO GUTIERREZ, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ramior Gutierrez, Jr., against the City and County of San Francisco in the sum of $27.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 12, 1983

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

TRAVEL EXPENSE VOUCHERS

RESOLUTION NO. 1048-83

RESOLVED, that the Travel Expense Voucher sumbitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Loretta Chin, Fingerprint Technician $464.00 (Advanced Fingerprint Course
(Eureka, California
(08/22/83 - 8/26/83

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1049-83

RESOLVED, that the Travel Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved.

Officer Rodney King $464.00 (Advanced Fingerprint Course
(Eureka, California
(08/22/83 - 8/26/83

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1050-83

RESOLVED, that the Travel Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved.

Sergeant Richard Racine $168.00 (P.O.S.T. Special Seminar for Supervisory Course Coordinates
(Sacramento, Califonia
(09/14/83 - 9/15/83

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1058-83

RESOLVED, that the Travel Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Sergeant Gregory Cash and Eight (8) Members of the Tactical Division	$1,336.50	(Special Weapons and Tactics Refresher Course/FBI (Monterey, California (09/13/83 - 09/14/83

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1062-83

RESOLVED, that the Travel Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Inspector George Matello	$460.00	(Law Encorcement Computer System Training Course (Long Beach, California (09/07/83 - 09/09/83

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1051-83

AUTHORIZING ATTENDANCE OF INSPECTORS DONNIE HANSEN AND ALFREDO MATTEONI, GENERAL WORKS DETAIL, AT THE SPECIALIZED SURVELLANCE EQUIPMENT COURSE IN SACRAMENTO, CALIFORNIA, FROM OCTOBER 24, 1983 TO OCTOBER 28, 1983

RESOLVED, that the recommendation of the Chief of Police that Inspectors Donnie Hansen and Alfredo Matteoni, General Works Detail, be authorized to attend the Specialized Surveillance Equipment Course, conducted by the California Deptment of Justice in Sacramento, California, from October 24th to October 28, 1983 be, and the same is hereby approved, and be ot further

RESOLVED, that expenses incurred by the above named members of the Police Department in a sum not to exceed $316.00 each for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1052-83

AUTHORIZING ATTENDANCE OF POLICE OFFICERS MARK POTTER AND GEORGE STASKO, TACTICAL DIVISION, AT THE ADVANCED OFFICER SAFETY/FIELD TACTICS COURSE IN SANTA ROSA, CALIFONRIA FROM OCTOBER 10, 1983 to OCTOBER 14, 1983

RESOLVED, that the recommendation of the Chief of Police that Police Officers Mark Potter and George Stasko, Tactical Division, be authorized to attend the Advanced Officer Safety/ Field Tactics Course, conducted by the Santa Rosa Criminal Justice Training Center in Santa Rosa, Califonia, from October 0, 1983 to October 14, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the above-named members of the Police Department in a sum not to exceed $315.90 each for subsistence, travel and course fees are reimbursable by P.O.S.T.

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1053-83

AUTHORIZING ATTENDANCE OF INSPECTORS LARRY PEDRODALASOL AND ISIAH NELSON, INTELLIGENCE/SPECIAL INVESTIGATIONS DETAIL, AT THE URBAN TERRORIST ACTIVITY COURSE IN SACRAMENTO, CALIFONIA FROM OCTOBER 31, 1983, to NOVEMBER 4, 1983

RESOLVED, than the recommendation of the Chief of Police that Inspectors Larry Pedrodalasol and Isiah Nelson, Intelligence/ Special Investigations Detail, be authorized to attend the Urban Terrorist Activity Course conducted by the California Department of Justice in Sacramento, California from October 31, 1983, to November 4, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the above-named members of the Police Department in a sum not to exceed $316.00 for subsistence and travel are reimbursable by P.O.S.T.

AYES Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1054-83

AUTHORIZING ATTENDANCE OF TRIAL ATTORNEY JERRY W. ATKINS, POLICE SERVICE AIDE REA PUCCINELLI, LEGAL DIVISION, AT THE SEMINAR "LEGAL AND PRACTICAL PROBLEMS IN EMPLOYMENT: A SEMINAR FOR EMPLOYESS," IN SAN FRANCISCO, CALIFORNIA FROM OCTOBER 6, 1983 TO OCTOBER 8, 1983

RESOLVED, that the recommendation of the Chief of Police that Trial Attorney Jerry W. Akins, and Police Service Aide Rea Puccinelli, Legal Division, be authorized to attend the Seminar "Legal and Practical Problems in Employment: A Seminar for Employers, "conducted by the Labor Department of the Law Firm Orrick, Herrington and Sutcliffe in San Francisco, California from October 6, 1983, to October 7, 1983, be, and be it further

RESOLVED, that expenses incurred by the above-named members of the Police Department in a sum not to exceed $90.00 each for seminar fees, will be defrayed from the Department Training Fund.

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1055-83

AUTHORIZING ATTENDANCE OF TRIAL ATTORNEY MICHAEL GASH, LEGAL DIVISION, AT THE WORKSHOP ENTITLED HANDLING DISCIPLINARY ACTIONS AND NON-DISCIPLINARY LAYOFFS" IN OAKLAND, CALIFORNIA ON OCTOBER 13, 1983

RESOLVED, that the recommendation of the Chief of Police that Trial Attorney Michael Gash, Legal Division, be authorized to attend a workshop entitled "Handling Disciplinary Actions and Non-Disciplinary Layoffs," conducted by the League of California Cities in Oakland, California on October 13, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named member of the Police Department in a sum not to exceed $65.00 for registration fees will be defrayed from the Department.

RESOLUTION NO. 1057-83

AUTHORIZING ATTENDANCE OF PRINCIPAL CLERK JOYCE FARROW, CHIEF'S OFFICE, AT THE EFFECTIVE SECRETARY SEMINAR IN MILLBRAE, CALIFORNIA ON SEPTEMBER 29, 1983

RESOLVED, that the recommendation of the Chief of Police that Principal Clerk Joyce Farrow, Chief's Office, be authorized to attend the Effective Secretary Seminar, conducted by Batten Seminars in Millbrae, California on September 29, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the above-member of the Police Department in a sum not to exceed $135.00 for tuition will be defrayed from the Department Training Fund.

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1059-83

AUTHORIZING ATTENDANCE OF COMMANDER RICHARD TRUEB, INTERNAL OPERATIONS BUREAU AND SERGEANT EDMUND PECINOVSKY, LEGAL OFFICE, AT THE CALIFORNIA PEACE OFFICERS ASSOCIATION ALL-COMMITEE TRAINING CONFERENCE IN LONG BEACH, CALIFORNIA FROM NOVEMBER 7, 1983 TO NOVEMBER 9, 1983

RESOLVED, that the recommendation of the Chief of Police that Commander Richard Trueb, Internal Operations Bureau, and Sergeant Edmund Pecinovsky, Legal Office, be authorized to attend the California Peace Officers' Association All-Committee Training Conference in Long Beach, California, from November 6, 1983 to November 8, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that the expenses incurred by the above-named members of the Police Department in a sum not to exceed $379.00 each for subsistence, registration fees and travel will be defrayed from the Department Training Fund.

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioners Toler,

RESOLUTION NO. 1060-83

AUTHORIZING ATTENDANCE OF SERGEANT ALAN BENNER, CONSENT DECREE DIVISION, AT THE CALIFORNIA PEACE OFFICERS' ASSOCIATION ALL-COMMITTEE TRAINING CONFERENCE IN LONG BEACH, CALIFORNIA FROM NOVEMBER 6, 1983 TO NOVEMBER 8, 1983

RESOLVED, that the recommendation of the Chief of Police that Sergeant Alan Benner, Consent Decree Division, be authorized to attend the California Peace Officers' Association All-Committee Training Conference in Long Beach, California from November 6, 1983, to November 8, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named member of the Police Department in a sum not to exceed $379.00 for subsistence, registration fees and travel will be defrayed from the Department Training Fund.

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1061-83

AUTHORIZING ATTENDANCE OF CAPTAIN RICHARD KLAPP, PERSONNEL AND TRAINING DIVISION, AT THE CALIFORNIA PEACE OFFICER ASSOCIATION ALL-COMMITTEE TRAINING CONFERENCE IN LONG BEACH, CALIFORNIA, FROM NOVEMBER 8, 1983

RESOLVED, that the recommendation of the Chief of Police that Captain Richard Klapp, Personnel and Training Division, be authorized to attend the California Peace Officers' Association All-Committee Training Conference in Long Beach, California, from November 8, 1983, to November 9, 1983, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named member of the Police Department in a sum not to exceed $321.00 for subsistence, registration fees and travel will be defrayed from the Department Training Fund.

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1063-83

AUTHORIZING ATTENDANCE OF SERGEANT JOAQUIN SANTOS, INSPECTOR ANTHONY CAMILLERI, SERGEANT RENE LaPREVOTTE AND OFFICER ROBERT CASTILLO, NARCOTICS DETAIL, AT THE CALIFORNIA PEACE OFFICERS' ASSOCIATION NARCOTICS SEMINAR IN SAN FRANCISCO, CALIFORNIA ON OCTOBER 1, 1983 AT THE HALL OF JUSTICE

RESOLVED, that the recommendation of the Chief of Police that Sergeant Joaquin Santos, Inspector Anthony Camilleri, Sergeant Rene LaPrevotte and Officer Robert Castillo, Narcotics Detail, be authorized to attend the California Peace Officers' Association Narcotics Seminar in San Francisco, California, on October 1, 1983 at the Hall of Justice, 850 Bryant Street, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the above-named members of the Police Department in a sum not to exceed $60.00 each will be defrayed from the Department Training Fund.

POLICE COMMISSION REPORT

Dr. Sanchez, said school has now been back in session for a couple of weeks and the Department has shown a lot of visibility in those areas and has helped a great deal. He said he just wanted to congratulate the Department for its help and especially with the school busses where when they are stopped with lights flashing, the Department's presence is extremely helpful. He said the assistance rendered during those times is very important, especially with the kindergarten and pre-kindergarten youngsters coming in.

CHIEF'S REPORT TO THE POLICE COMMISSION

The Chief said he had no report for tonight's meeting.

AMERICAN LEGION PRESENTATION OF A CERTIFICATE OF COMMENDATION TO INSPECTORS DAVID TOSCHI AND ROBERT PETERSON

Mr. Richard D. McCabe approached the microphone and read the following: "Mr. President, members of the Commission, it is with extreme pleasure as Chairman of the Law and Order Commission of the American Legion for the State of California, to be here today to honor two San Francisco Police Officers. To these Officers, Inspector David Toschi and Inspector Robert Peterson goes the distinct honor of being the first members of the San Francisco Police Department to receive such recognition from the American Legion. Although investigating crime is their job, it is believed that these officers, along with others who also worked on this case, far exceeded the normal duties in showing compassion for two elderly victims who otherwise may have become just numbers in the annals of San Francisco Crime. They also displayed excellent corporation with their fellow officers to bring this case to what may be termed a happy end.

To refresh your memory, Inspectors Toschi and Peterson were instrumental in solving the assualt and robbery of William Konig and his brother Herman. It was December 4, a time when most people are looking forward to happiness and the usual surroundings of the Christmas Holidays, But the Konig Brothers were the victims of their third robbery and assualt within a week's time. At the time, William 95 years old, blind and partially deaf and Herman, an 85 year old, were brutally beaten by two men who broke in the door of their Bayview District home and escaped with the Konigs life savings of $800 dollars, Both victims were hospitalized briefly for the injuries they received but it was the judgement of Inspector Toschi that they should be kept in a hospital for their own safety. I quote Inspector Toschi from an interview he had with a member of the news media: 'Sending them back is like sending them a death warrant.'
The plight of the Konig's attracted state wide attention and moved people to donate $32,000 to them as a way of saying that we are sorry this had to happen to two nice old men. As a result, through these officers efforts while continuing to work on this case along with others assigned to them the Konig Brothers, both veterans of World War 1, were able to gain admission into the California Veterans Home in Yountville.

The repeated attacks on the Konigs shocked San Franciscans and Mayor Feinstein offered a $5,000 reward for information leading to the arrest of the two assailants. Through continued hard work and probing, Inspector Toschi and Inspector Peterson succeeded in making the arrest in this case in April. One 18 year old youth is now serving six years in the State Penitentiary. His accomplice, a 30 year old ex-convict, was sentenced to nine years. To these officers the American Legion says, "Thank you for a job well done."

Commissioner Sanchez then said that the Commission wishes to thank the American Legion, especially Mr. McCabe as Chairman of the Law and Order Commission and his colleagues for taking time out to award those two outstanding officers who performed above and beyond the call of duty.

Inspectors David Toschi and Robert Peterson were then presented their awards.

REQUEST FROM PATROL SPECIAL OFFICER RAYMOND A. ADKINS, NO. 2568, FOR PERMISSION TO SELL PATROL SPECIAL BEAT NO. 3, TO ASSISTANT PATROL SPECIAL OFFICER ALFREDO BALLESTEROS, NO. 2651

RESOLUTION NO. 1074-83

PATROL SPECIAL OFFICER RAYMOND A. ADKINS - REVOKED

RESOLVED, that the appointment of Patrol Special Officer Raymond A. Adkins, Beat No. 3, Mission Police District, be. and the same is hereby revoked effective September 28, 1983, he having sold his beat to Patrol Special Officer Alfredo Ballesteros.

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 1074/A-83

PATROL SPECIAL OFFICER ALFREDO BALLESTEROS - APPROVED

RESOLVED, that Patrol Apecial Officer Alfredo Ballesteros is hereby appointed as Patrol Special Officer for Beat No. 3, Mission Police District; said appointment effective September 28, 1983, Patrol Special Officer Alfredo Ballesteros having purchased Beat No. 3, from Patrol Special Officer Raymond A. Adkins.

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

PUBLIC HEARING OF GENERAL ORDER D-9, "RESPONSIBILITIES OF SUPERIOR OFFICERS."

RESOLUTION NO. 1056-83

GENERAL ORDER D-9, "RESPONSIBILITIES OF SUPERIOR OFFICERS"

RESOLVED, that the Police Commission hereby approved Department General Order D-9, regarding Responsibilities of Superior Officers.

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

PUBLIC HEARING OF GENERAL ORDER 0-6, "JURY DUTY"

RESOLUTION NO. 1075-83

DEPARTMENT GENERAL ORDER 0-6, "JURY DUTY"

RESOLVED, that the Police Commission hereby approves Department General Order 0-6, regarding Jury Duty.

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

PUBLIC HEARING OF GENERAL ORDER F-2, "CODE THREE RESPONSES AND PURSUIT DRIVING."

Off Calendar

PUBLIC HEARING OF GENERAL ORDER R-1, "VEHICLE ACCIDENT INVOLVING MEMBERS."

RESOLUTION NO. 1076-83

GENERAL ORDER R-1, " VEHICLE ACCIDENTS INVOLVING MEMBERS"

RESOLVED, that the Police Commission hereby approves

Department General Order R-1, regarding Vehicle Accidents Involving Members.

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

SETTING OF DATE FOR THE STATUS REPORT IN THE MATTER OF OFFICER GLENN R. SYLVESTER, MISSION STATION

RESOLUTION NO. 1077-83

STATUS REPORT IN THE MATTER OF POLICE OFFICER GLENN R. SYLVESTER, MISSION STATION

WHEREAS, the status report in the matter of Police Officer Glenn R. Sylvester, Mission Station, was called it having been set for this date; and

WHEREAS, Mr. Michael Gash, Attorney for the San Francisco Police Department, requested that this matter be continued to October 5, 1983, for a Status Report; therefore be it

RESOLVED, that the date for the Status Report in regard to the disciplinary charges filed against Police Officer Glenn R. Sylvester, Mission Station, is set for Wednesday, October 5, 1983 at 5:30 p,mp in Room 55, Hall of Justice.

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JOHN H. MONROE, MISSION STATION

RESOLUTION NO. 1078-83

POLICE OFFICER JOHN H. MONROE, MISSION POLICE STATION

WHEREAS, charges of violation the Rules and Procedures of the San Francisco Police Department were filed against Police Officer John H. Monroe, Mission Station, as follows:

SPECIFICATION NO. 1

Failure to comply with Department weight standards (violation of Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department)

by Cornielius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the desciplinary charges filed against Police Officer John H. Monroe, Mission Station, is set for Wednesday, October 5, 1983 at 5"30 P.M. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

HEARING OF SERGEANT ROBERT DILLON, SUPPORT SERVICES BUREAU/ RECORDS ROOM - CONTINUED TO OCTOBER 5, 1983

CONTINUATION OF THE HEARING OF SERGEANT ROBERT DILLON, SUPPORT SERVICES BUREAU/RECORDS ROOM

The matter of the hearing of Sergeant Robert Dillon, Support Services Bureau, was called it having been continued from the meeting of August 3, 1983.

Sergeant Robert Dillon appeared in person and was represented by Mr. Ephraim Margolin, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Margolin stated that he wanted to remind the Commission that he had requested by letter that the Commission relax or change the Police Department's rule requiring that police officers subpoenaed by the defense submit reports to the Department as to what kind of testimony will be expected from them. The Commission acknowledged that they had received that communication and continued on with the proceedings.

An opening statement was made by Mr. Jerry Akins, Attorney at Law.

An opening statement was reserved by Mr. Margolin, until the defense began.

The following named witnesses were called by the Prosecution, were sworn, and testified:

Officer George Grant
Taraval Station

Officer Edward W. Waldorph
Communications

Lieutenant David Christensen
Ingleside Station

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 - Letter of Intent Form SFPD 384, 04/02/81 for permit to operate a Mechanical Amusement Device/Billiard Palor

Exhibit #2 - Permit Application SFPD 109, 08/04/81 Mechanical Amusement Device - Additional

The following exhibits were entered into evidence by the Defense:

Exhibit A - Daily Assignment Reports - 07/01/81 through 08/08/81

Exhibit B - Three (3) Permit Recommendation Reports- 7-11 Food Store; Red Baloon Boozeless Saloon and Albania, DBA: "The Eagle Social Club."

After listening to testimony from the above parties, the Commission then adjourned at 2135 hours and the matter was continued to Wednesday, November 2, 1983 at 5:30 p.m. in Room 551, Hall of Justice.

THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LINDA PRANSKY,CSR

AYES: Commissioners Toler, Nelder, Murphy, Sanchez
ABSENT: Commissioner Daly

THE MEETING WAS THEN ADJOURNED AT 9:35 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

14454-0